1326.

SUPREME COURT OF THE UNITED STATES.

No. 186.

THE UNITED STATES, APPELLANTS,

vs.

THE MAYOR, ALDERMEN, AND INHABITANTS OF THE CITIES OF PHILADELPHIA AND NEW ORLEANS.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE DISTRICT OF LA.

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UNITED STATES DISTRICT COURT,
District of Louisiana:

MAYOR, Aldermen, and Inhabitants of the cities of New Orleans and of Philadelphia,
vs.
THE UNITED STATES. } No. 21.

Be it remembered, that heretofore, to wit, on the twenty-ninth day of May, in the year of our Lord one thousand eight hundred and forty-six, the Mayor, Aldermen, and Inhabitants of the Cities of New Orleans and of Philadelphia, by their attorneys, Geo. Strawbridge and P. Soulé, esq'rs., came into the office of the clerk of the said court, and filed their petition, which is in the words and figures following, to wit:

To the honorable T. H. McCaleb, judge of the district court of the United States for the district of Louisiana:

The petition of the Mayor, Aldermen, and Citizens of Philadelphia, and of the Mayor, Aldermen, and Inhabitants of the City of New Orleans, respectfully represents:

That in the year 1795 or 1796, the now State of Louisiana, [of] which the Baron de Carondelet was governor general and vice patron, a grant was made to the Baron de Bastrop, by the proper authorities, of a certain tract of land, twelve leagues square, lying on the Ouachita and bayou Siard, to be located and surveyed, which was done in due and legal form, as by the annexed plot of survey, marked A, will more fully appear, which was afterwards approved and confirmed; your petitioners for fuller information refer to the documents published by authority of Congress, in vol. 2d, State papers, title public lands, page 772, No. 40; as also to the volume of land laws, published by Mathew St. Clair Clark, page 951, &c., &c.

Your petitioners further shew, that on or about the 25th day of January, 1804, the said Baron de Bastrop conveyed to a certain Abraham Morehouse two-thirds of the said tract, which was afterwards, by a compromise between the said Bastrop, Morehouse, and a certain Charles Lynch, modified so that Morehouse became entitled to four-tenths, and Lynch to six-tenths of said grant; which said six-tenths were afterwards conveyed to Edward Livingston, on the 18th day of September, 1807, as by documents marked B, C, D, E, and F, respectively, will appear.

And they also shew, that on or about the 5th day of March, 1810, at a sale made by order of T. C. Lewis, parish judge of the parish of Ouachita, 50,000 acres of the part assigned and belonging to Abraham

Morehouse, were seized and sold *by* taxes, when a certain Andrew Latting became the purchaser, and afterwards transferred to Andrew Morehouse and George Y. Morehouse, sons and lawful heirs of the said Abraham, and to Sophia L. Morehouse, Charles F. Morehouse, Ann M. Morehouse, and Eliza C. Morehouse, children also of the said Abraham, each the amount of 8,000, eight thousand, acres out of the 50,000 sold for taxes. That on or about the , 1813, the said Morehouse died, and whereby the remainder of the said property passed to his wife Abigail Young, and her two sons Andrew and George, and that on or about the 13th January, 1824, Stephen Girard purchased the shares of the said Sophia L., Charles F., Ann M., and Eliza C., and on or about the May, 1825, he purchased of George, the 8,000 so to him conveyed; that the 2,000 remaining were, by the said Latting, sold to Nathan Morse, in his own right and as attorney for R. R. Goelet, who conveyed the same to a certain Thomas Lovell, who sold them to Stephen Girard, as will more fully appear by the documents herewith filed and marked G, H, I, J, K, KK, L, M, N, O, P, Q, R, will more fully appear.

That in the autumn of the year 1815, Andrew, the elder son, died unmarried and without issue, whereby his estate passed to his mother Abigail and his surviving brother George.

That the said George, as well in his own right as in virtue of a power of attorney, duly executed by his mother Abigail, constituted and appointed a certain William Griffith, of Burlington, in the State of New Jersey, their agent and trustee, for the purpose of selling and disposing of their interest in said lands, which he accordingly did, on or about the 29th January, 1822, to the said Stephen Girard, James Lysle, Robert E. Griffith; as also of (10,000) ten thousand acres of the same parcel, held by the said Wm. Griffith and Richard S. Coxe, of Georgetown, District of Columbia, about the 23d January, 1824; that afterwards, viz., at the October term, 1827, of the 7th judicial district court, in the parish of Ouachita, a partition was decreed between the said Girard, Lysle, and Griffith, whereby the portion of Girard was separated and set apart, as by said decree and the documents marked Q, R, S, T, U, V, W, and X, herewith filed, will more fully appear. And your petitioners further shew, that the portion assigned, as above stated, to Edward Livingston, an amount of 12,500 acres, was, by the said Girard, purchased, as per act herewith filed, and marked AA, about the 6th November, 1819, from a certain John Carrier, of Baltimore, who purchased it from Samuel McKean of said city, being part of a larger parcel conveyed by the said Edward Livingston to Stephen Wante, by act marked CC.

And they further shew, that on or about the 22d November, 1824, the said Stephen Girard purchased from John Hughes, of the parish of Ouachita, (4,300) four thousand three hundred acres of the same land, which said Hughes had purchased at sheriff's sale, being a part of that assigned to Andrew Morehouse, as appears by the document marked DD, herewith filed.

And they further shew, that on or about the 9th day of February, 1824, the said Stephen Girard purchased at sheriff's sale, in the case of Brooks, syndic, vs. G. Hamilton, (23,694) twenty-three thousand six hundred and ninety-four acres, which the said Hamilton purchased from Andrew Y. Morehouse, as by document EE, herewith filed, more fully appears.

That on or about the 11th day of February, 1825, the said Stephen Girard purchased from Cesar McGlaughlin (4,000) four thousand acres of the same parcel which the said McGlaughlin had purchased at the sheriff's sale in the said suit of Brooks, syndic, vs. Hamilton, which land the said Hamilton had acquired from the said Andrew Morehouse, in proof whereof he files the document FF.

That on or about the 29th September, 1807, the said Edward Livingston transferred to John Adairs a portion of said lands, amounting to 75,000 acres.

That on or about the 17th October, 1807, the said John Adair conveyed to T. B. Franklin, of Ouachita, 2,340 acres of said land; and by act bearing date 11th February, 1828, the said T. B. Franklin conveyed the same to Stephen Girard, as per acts marked GG, HH, II, herewith filed, will more fully appear.

That by act bearing date the 23d February, 1808, the said Adair sold to Curry (10,000) ten thousand acres of this part, which Curry conveyed to the said Girard on or about the 9th day of March, 1829, to Stephen Girard; and, lastly, that on or about the 10th day of July, 1827, the said John Adair conveyed his remaining interest, amounting to 36,549 arpents, to the said Stephen Girard, whereby the latter became possessed of all the portion conveyed by the said Edward Livingston to the said John Adair; all which will more fully appear by documents LL, MM, and NN.

Your petitioners further shew, that the said Stephen Girard, having first made his will, departed this life on or about the day of

That by his said will, which has been duly proved, and copy of which is herewith filed, and marked OO, he bequeathed to your petitioners the whole of his above described property; from all which acts and deeds it results that your petitioners are the true and lawful owners of the said above described portions of the Bastrop grant; they allege there is no other person or persons claiming the same, or any part thereof, by a different title from that of your petitioners; nor are there any person or persons holding possession of any part thereof otherwise than by the lease or permission of your petitioners. But that the United States deny their title thereto, and claim the whole of the lands contained within the said Bastrop grant as part of the public domain.

That the said title of the Baron de Bastrop has been partially submitted to the board of land commissioners, and by them reported [on] unfavorably.

Wherefore your petitioners pray that the validity of their title may be inquired into and decided upon; to which purpose the United States

Texas

may be cited by their representatives, the district attorney, and that they may be confirmed in their said title, with all other and further relief.

GEO. STRAWBRIDGE,
P. SOULE,
Of counsel for the cities of Philadelphia and N. Orleans.

Documents referred to in the foregoing petition.

Document marked A.

[For map see original.]

I, Don Carlos Trudeau, surveyor royal and particular of the province of Louisiana, &c., do certify, that the present draft contains one hundred and forty-four superficial leagues, each league forming a square, the sides of which are in length two thousand and five hundred toises, (a toise is 6 French feet long,) measure of the city of Paris, according to the custom and practice of this colony, the said land being situated in the post of Ouachita, about 80 leagues above the mouth of that river, falling into Red river, adjoining on the part of the S. W. to the eastern shore of the river and bayou Ouachita, Barthelemy, and Siard, conformably to the red line which borders the said river and bayous; bounded on the south part by a line drawn from the S., 75 degrees east, about three leagues and one mile long; beginning from the shore C of the bayou Siard, and continuing as far as the height of the junction A of the said bayou Siard with the bayou Barthelemy; the said point A being as a basis on the line of measurement, A. B., of 12 leagues in length, parallel with the plan of bayou Barthelemy from the point A to the end of the said 12 leagues, which terminate at the point B, where is the mouth of the rivulet named bayou Termiro; the lines DE, FG, are parallel lines, directed north 52 degrees east, without minding the variation of the compass, which varies 8 degrees to the northeast.

In testimony I deliver the present certificate, with the draft hereto affixed, for the use of the Baron de Bastrop, on the 14th day of June, 1797, I, the surveyor, having signed the same, and recorded in the book A, No. 1, folio 38, drft. No. 922, of the surveys.

I do certify the present copies to be conformable to the originals which are lodged in the office under my care, to which I refer; and, at the request of a party, I deliver the present, same date as above.

(Signed) CARLOS TRUDEAU, *Surveyor.*

I certify the above to be a true and faithful translation of the original certificate of survey, written in the Spanish language, and to which is prefixed the plat of the land herein mentioned.

(Signed) L. DERBIGNY,
Interpreter of the Government.

(Copied.—J. C. M.)

LAND OFFICE, OPELOUSAS, LA., *April 7th*, 1846.

I hereby certify the foregoing to be a true and faithful copy of a document on file in this office, purporting to be a correct translation of the original certificate and transcript of the plat of Carlos Trudeau.

[L. S.] Witness my hand and private seal of office, the day and date above mentioned.

P. HEBRARD, *Register*.

Document marked B.

This indenture, made this 25th day of January, one thousand eight hundred and four, between P. H. N. Tot, Baron de Bastrop, of the province of Louisiana, of the one part, and Abraham Morehouse, now in said province, of the other part, witnesseth: That the said Baron de Bastrop, for and in consideration of the sum of three hundred and fifty thousand dollars, justly due and owing to the said Morehouse by the said Bastrop, together with the legal interest thereon since the 13th day of September, one thousand eight hundred, as appears by a sentence of the honorable Danville district court, for the State of Kentucky, at their January term, one thousand eight hundred and two, as well as the further sum of one dollar, now in hand paid by the said Morehouse, the receipt of which he doth hereby acknowledge, and forever acquit, for the said dollar, the said Morehouse, his heirs, executors, and administrators, hath granted, bargained, sold, aliened, and confirmed, and, by these presents, doth grant, bargain, sell, alien, convey, and confirm, unto the said Abraham Morehouse, his heirs and assigns forever, the one equal undivided two-third parts of all that tract or parcel of land lying and being in the district of Ouachita, and province of Louisiana, on the waters of the Ouachita river, containing twelve leagues square, or one million sixteen thousand and sixty-four acres of land, more or less, agreeable to the customary measure of said province as marked in the original map, executed by Don Carlos Trudeau, surveyor general of the said province, dated the 14th of June, one thousand seven hundred and ninety-seven, with the same privileges and charges; so as the said tract or parcel of land was granted to the said Baron *the* Bastrop by a decree of the Baron Carondelet, governor general of said province, dated the 21st June, 1796, and also by an order of the said governor general by a letter of office, dated the 18th of June, 1797, and further by letters patent, in the name of the King of Spain, under the hand and seal of the said governor general of the said province, bearing date the 20th day of June, anno domini one thousand seven hundred and ninety-seven, reference thereto being had may fully appear; together with all the improvements, water courses, and appurtenances whatever to the said premises belonging *to* or in any wise appertaining, and the reversions, remainders, and profits thereof, and all the estate, right, title, interest, claim, and demand of him, the said Baron de Bastrop, of, in, and to the same; to have and to hold the said lands and premises hereby conveyed, with all and singular the appurtenances, unto the said Abraham Morehouse,

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his heirs and assigns forever. And the said Baron de Bastrop, for himself, his heirs, executors, and administrators, doth covenant and agree with the said Morehouse, his heirs and assigns, that the premises before mentioned now are, and forever shall be, free from all incumbrances whatsoever done, or suffered to be done, by the said Bastrop; and the said Baron de Bastrop, *doth* for himself and his heirs, all and singular the premises hereby bargained, sold, and conveyed unto the said Morehouse, his heirs and assigns, against the said Bastrop and his heirs, and against all and every other person or persons, will warrant and forever defend by these presents.

In witness whereof the said Baron de Bastrop hath hereunto set his hand and affixed his seal the day and year first above written.

(Signed) BARON DE BASTROP. [SEAL.]

Signed, sealed, and delivered in presence of, and made duplicates, one of which is to remain in this office and one on enterland.

The above deed was executed before Don Vincent Tejeiro, commandant of the district; the certificate is in the Spanish language, and having no interpreter here it is of necessity omitted.

(Signed) WM. HAUGHEY, *Clerk*.

I do hereby certify the foregoing deed to be a true copy of the original on file in my office.

December 15th, 1806.

(Signed) WM. HAUGHEY, *Clerk*.

LAND OFFICE, OPELOUSAS, LA., *April 7th*, 1846.

I do hereby certify the foregoing to be a true and faithful copy of a document on file in this office, purporting to be a true copy of the original deed of conveyance from Bastrop to Morehouse.

Witness my hand and private seal of office, the day and date above mentioned.

[SEAL.] P. HEBRARD, *Register*.

Document marked C.

[For plat see original.]

I certify that the above plat represents Colonel Abraham Morehouse's part of the Baron de Bastrop's grant, situated on the waters of the river Ouachita, bayou Bartolomy, and the river of Bœuf, in the county of Ouachita, and Territory of Orleans, being part of a tract of land of twelve leagues square, ceded by the Spanish government to the said Baron de Bastrop, by a decree dated the 21st June, 1796, and confirmed by a letter of office, dated the 18th of June, 1797; a plat of the said land and certificate of survey from Don Carlos Trudeaux, the then surveyor general of the province of Louisiana, was enregistered in the said surveyor general's office on the 14th June, 1797; and finally by

letters patent, in the name of his Catholic Majesty, dated the 20th June, 1797.

I further certify, that, on the 20th September, 1807, a division took place between the said Colonel Abraham Morehouse and Edward Livingston, esqr., the then proprietors of the said grant of twelve leagues square, by which division the said Abraham Morehouse became entitled to the part represented by the above figurative plan, and contains four hundred and twenty-six thousand acres, French measure, agreeably to the measure of Paris, as will fully appear by their article of agreement, recorded in the recorder's office, in the parish of Ouachita.

HENRY CASSIDY,
Deputy surveyor of county of Ouachita.

N. B. The principal water-courses are laid down by actual survey.

References.

Nos. 1, 2, 3, 4, 5, 6, 7, and the farm of Col. Morehouse and others, actual settlers at the prairie Mer Rouge.

Nos. 26, 27, 28, and the farms of the actual settlers at the prairie Jefferson.

Nos. 39, 40, 41, 42, and 43, the farms of actual settlers on the bayou Bartolomy.

Nos. 45, 46, and 47, farms on the bayou Siard.

Nos. 48, 49, 50, and 51, lands sold in their respective situations.

TERRITORY OF ORLEANS,
County and parish of Ouachita, Louisiana:

I, Thomas C. Lewis, parish judge and public notary, in and for the county and parish aforesaid, do hereby certify, that Henry Cassidy, whose name is subscribed to the foregoing plat and certificate of survey, was, at the time of making and signing the same, deputy surveyor in and for the county of Ouachita, and that due faith and credit is and ought to be given to his official acts.

In testimony whereof I have hereunto set my hand and affixed my private seal, no seal of office as notary being provided, this twenty-sixth day of April, eighteen hundred and nine.

THOS. C. LEWIS.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my official seal, this 3d March, 1846.

[SEAL.] T. C. SCARBOROUGH,
Parish judge.

Document marked D.—Bastrop, Lynch, and Morehouse—covenant.

On this fourteenth day of May, in the year of our Lord one thousand eight hundred and five, and in the twenty-ninth of American independence, before me, Peter Pedesclaux, notary public, personally came

and appeared the Baron de Bastrop, of the first part, Charles Lynch, of the second part, and Abraham Morehouse, of the third part, all at present in the city of New Orleans, who entered into the following articles of agreement:

1st. That said Lynch and Bastrop do hereby relinquish, give up, and release to said Morehouse all suits at law which they, or either of them, have instituted against him, and do agree to dismiss the said suits at their own and each of their proper expenses and costs.

2d. The said Lynch and Bastrop do further, for themselves and each of them, their heirs, executors, release and forever quit-claim, to the said Morehouse and his heirs, four undivided tenth parts of the certain tract of land conceded by the Spanish government to the said Baron of Bastrop, situated in the district of Ouachita, containing twelve leagues square, and do agree that they will not, nor will their heirs, set up any claim to the said land hereby released, either in law or equity; nor shall the said Morehouse be troubled in or evicted from his said possession of said land in consequence of any sale, transfer, or assignment made thereof by the said Lynch or Bastrop; in this engagement, stand separately bound, each for himself, and that the one is not to be made responsible for a breach on the part of the other, or proceeding from his heirs or assigns.

3d. The said Morehouse and Bastrop, each being obligated for himself, his heirs, or assigns, and guarding against all responsibility for the other, do engage that, for a valuable consideration, they will, and do hereby, relinquish, grant, remit, quit-claim, and abandon to the said Lynch, his heirs and assigns, themselves, their heirs and assigns, forever, all their right, title, interest, and claim in and upon and unto the remaining six-tenths, yet undivided, of said concession.

4th. The said Lynch further engages to pay J. T. Riviere a debt due from the said Baron of Bastrop to him, amounting to twenty-five thousand dollars, and to transfer to the said Baron of Bastrop one hundred thousand acres of land of said concession, of an average quality, with the whole thereof free from any claim whatever, except the claim of the United States, should they set up any thereto; in consequence whereof the said Baron abandons to the said Lynch and Morehouse, in the proportion already recited, all the interest which he claims in the said grant, either in law or equity.

5th. And the said Lynch further consents, to and with the said Morehouse, in consideration of the premises, that the said Lynch will forever release, remove, and take off from said concession of twelve leagues square, and also from one other tract, sold to said Morehouse by the Baron of Bastrop, lying on the Ouachita river, at the mouth of the bayou Siard, supposed to contain one thousand two hundred acres, more or less, *and* every incumbrance in favor of Stephen Wante or his assigns, which might, on account of a mortgage given by the said Bastrop to said Wante to secure the payment of forty-five thousand dollars, will forever guarantee and protect said Morehouse from the same.

6th. The contracts now existing between said Morehouse and said

letters patent, in the name of his Catholic Majesty, dated the 20th June, 1797.

I further certify, that, on the 20th September, 1807, a division took place between the said Colonel Abraham Morehouse and Edward Livingston, esqr., the then proprietors of the said grant of twelve leagues square, by which division the said Abraham Morehouse became entitled to the part represented by the above figurative plan, and contains four hundred and twenty-six thousand acres, French measure, agreeably to the measure of Paris, as will fully appear by their article of agreement, recorded in the recorder's office, in the parish of Ouachita.

HENRY CASSIDY,
Deputy surveyor of county of Ouachita.

N. B. The principal water-courses are laid down by actual survey.

References.

Nos. 1, 2, 3, 4, 5, 6, 7, and the farm of Col. Morehouse and others, actual settlers at the prairie Mer Rouge.

Nos. 26, 27, 28, and the farms of the actual settlers at the prairie Jefferson.

Nos. 39, 40, 41, 42, and 43, the farms of actual settlers on the bayou Bartolomy.

Nos. 45, 46, and 47, farms on the bayou Siard.

Nos. 48, 49, 50, and 51, lands sold in their respective situations.

TERRITORY OF ORLEANS,
County and parish of Ouachita, Louisiana:

I, Thomas C. Lewis, parish judge and public notary, in and for the county and parish aforesaid, do hereby certify, that Henry Cassidy, whose name is subscribed to the foregoing plat and certificate of survey, was, at the time of making and signing the same, deputy surveyor in and for the county of Ouachita, and that due faith and credit is and ought to be given to his official acts.

In testimony whereof I have hereunto set my hand and affixed my private seal, no seal of office as notary being provided, this twenty-sixth day of April, eighteen hundred and nine.

THOS. C. LEWIS.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my official seal, this 3d March, 1846.

[SEAL.]

T. C. SCARBOROUGH,
Parish judge.

Document marked D.—Bastrop, Lynch, and Morehouse—covenant.

On this fourteenth day of May, in the year of our Lord one thousand eight hundred and five, and in the twenty-ninth of American independence, before me, Peter Pedesclaux, notary public, personally came

and appeared the Baron de Bastrop, of the first part, Charles Lynch, of the second part, and Abraham Morehouse, of the third part, all at present in the city of New Orleans, who entered into the following articles of agreement:

1st. That said Lynch and Bastrop do hereby relinquish, give up, and release to said Morehouse all suits at law which they, or either of them, have instituted against him, and do agree to dismiss the said suits at their own and each of their proper expenses and costs.

2d. The said Lynch and Bastrop do further, for themselves and each of them, their heirs, executors, release and forever quit-claim, to the said Morehouse and his heirs, four undivided tenth parts of the certain tract of land conceded by the Spanish government to the said Baron of Bastrop, situated in the district of Ouachita, containing twelve leagues square, and do agree that they will not, nor will their heirs, set up any claim to the said land hereby released, either in law or equity; nor shall the said Morehouse be troubled in or evicted from his said possession of said land in consequence of any sale, transfer, or assignment made thereof by the said Lynch or Bastrop; in this engagement, stand separately bound, each for himself, and that the one is not to be made responsible for a breach on the part of the other, or proceeding from his heirs or assigns.

3d. The said Morehouse and Bastrop, each being obligated for himself, his heirs, or assigns, and guarding against all responsibility for the other, do engage that, for a valuable consideration, they will, and do hereby, relinquish, grant, remit, quit-claim, and abandon to the said Lynch, his heirs and assigns, themselves, their heirs and assigns, forever, all their right, title, interest, and claim in and upon and unto the remaining six-tenths, yet undivided, of said concession.

4th. The said Lynch further engages to pay J. T. Riviere a debt due from the said Baron of Bastrop to him, amounting to twenty-five thousand dollars, and to transfer to the said Baron of Bastrop one hundred thousand acres of land of said concession, of an average quality, with the whole thereof free from any claim whatever, except the claim of the United States, should they set up any thereto; in consequence whereof the said Baron abandons to the said Lynch and Morehouse, in the proportion already recited, all the interest which he claims in the said grant, either in law or equity.

5th. And the said Lynch further consents, to and with the said Morehouse, in consideration of the premises, that the said Lynch will forever release, remove, and take off from said concession of twelve leagues square, and also from one other tract, sold to said Morehouse by the Baron of Bastrop, lying on the Ouachita river, at the mouth of the bayou Siard, supposed to contain one thousand two hundred acres, more or less, *and* every incumbrance in favor of Stephen Wante or his assigns, which might, on account of a mortgage given by the said Bastrop to said Wante to secure the payment of forty-five thousand dollars, will forever guarantee and protect said Morehouse from the same.

6th. The contracts now existing between said Morehouse and said

Lynch, relative to property lying in the State of Kentucky, shall remain unimpaired by the agreement, and shall be considered in nowise changed or affected thereby.

7th. This agreement, and the stipulations therein contained, are taken by the said Baron of Bastrop as a full and complete satisfaction, made as well by the said Lynch as by the said Morehouse, for all past contracts, dues, and demands arising prior to the execution hereof; and the said Baron expressly engages that this writing shall be, to all legal purposes, *be* considered as a release to each of the said parties, Morehouse and Lynch, from all claims, actions, debts, dues, and demands, either legal or equitable, from the beginning of the world to the present day; except from the rights, property, claims, and demands secured from them to the said Baron by the present instrument; and the said Baron doth further expressly agree that he will, at any time when secured against judgments in the Lexington district court, rendered against said Morehouse on behalf of Robert Smock, and in which the said Bastrop became bail for said Morehouse, release to Thomas Wallace, agent in said affair, all the right and interest of him, the said Baron, to a tract of land in Franklin county, in the State of Georgia, containing one hundred and thirty thousand acres.

8th. The said Morehouse, Lynch, and Bastrop agree, that a division of lands, pursuant to the foregoing principle, shall be made between them, on or before the first day of September next, by a surveyor agreed on by the parties; and, in case any difference should arise respecting the division of the said lands, it shall be decided by three men chosen by the parties.

9th. The said parties have further agreed, that all lands heretofore sold by said Morehouse, being a part of said concession, so far as the same are described in the schedule annexed hereto, shall be left with the said Morehouse, and to be considered a part of his four-tenths; the said Lynch and Bastrop hereby agree to release all their claims or pretensions to the same.

10th. The parties to this contract all expressly agree, that all actual settlers on the grant aforesaid shall be quieted in their possessions and in their property, so far as respects the claims of the parties hereto, as well as those who have been introduced by the said Baron as those who have been seated there by the said Morehouse, and who, by the records of the post of Ouachita, are entitled to grants under the said Morehouse or Bastrop: provided, also, that those who have not yet settled, may be allowed to do so and receive land equal to the average quality of said grant; and that if Sylvanus Bascum, Father Joseph, and John Owens shall refuse to run out their lands in such manner as not to interfere with other grants, or not to injure the value of the residue of the tracts of the parties to this contract, and shall resort to law for damages or a specific performance of the contracts under which they claim said land, then the parties hereto agree to bear all expenses, pay all damages, and contribute to the performance of such decisions, in proportions equal to

their respective interests in said grant, as fixed by the stipulations of this contract.

11th. The said Lynch further engages to procure for the said Baron from Col. John Blanton, and to annex hereto, a release from all remaining responsibility on account of the uncollected balance of three bonds, amounting in the whole to fifty thousand dollars, given by the said Bastrop to said Morehouse, and also to procure from the said Blanton a release from all claims or demands which he may have on Col. Morehouse for any part of said grant under a contract which exists between them relative thereto.

12th. The Baron of Bastrop accepts the terms of this instrument as a full satisfaction of all his claims upon the said Lynch, and, upon his compliance therewith, declares the said Lynch released and acquitted from all claims or demands, of whatever nature, on the part of said Bastrop.

13th. And the said Lynch and Morehouse, for themselves, their heirs, executors, &c., agree that the said Bastrop is hereby exonerated, released, and effectually discharged from all future responsibility, upon or on account of the said bonds from him to said Morehouse, for the sum of fifty thousand dollars, reserving, however, all the land and other property of said Bastrop in Kentucky, which has been already purchased under the same to the present proprietors hereof; and the said Morehouse hereby releases and discharges said Baron Bastrop from all contracts, debts, dues, and demands not growing out of, or expressly secured in, the present instrument. And the said Morehouse further engages and covenants, that the said Baron of Bastrop shall not, at any time hereafter, be sued upon or made liable to pay any debts or notes passed away or assigned by the said Morehouse, but shall be completely released, discharged, and forever indemnified against all demands or claims of all persons deriving title from or under him, the said Morehouse, to any bonds, bills, notes, or contracts, which may have passed from the said Baron of Bastrop to or through the said Morehouse.

Schedule of lands sold by Abraham Morehouse, in Ouachita, and which are run out:

Richard King	3,000
Prosper King	1,600
Nicholas Merriweather and family	600
William Thomas	1,500
——— Birch	600
Jacob Beeler	1,500
Benjamin Richardson	500
Halton Clerk & E. Middleton	2,300
Ten lots at the prairie Jefferson, each of 500 acres	5,000
Reuben Morehouse	500
The farm on which Abraham Morehouse lives, at the prairie Mer Rouge	1,500
	18,000

(Signed) A. MOREHOUSE.

letters patent, in the name of his Catholic Majesty, dated the 20th June, 1797.

I further certify, that, on the 20th September, 1807, a division took place between the said Colonel Abraham Morehouse and Edward Livingston, esqr., the then proprietors of the said grant of twelve leagues square, by which division the said Abraham Morehouse became entitled to the part represented by the above figurative plan, and contains four hundred and twenty-six thousand acres, French measure, agreeably to the measure of Paris, as will fully appear by their article of agreement, recorded in the recorder's office, in the parish of Ouachita.

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In testimony whereof I have hereunto set my hand and affixed my private seal, no seal of office as notary being provided, this twenty-sixth day of April, eighteen hundred and nine.

THOS. C. LEWIS.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

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[SEAL.]

T. C. SCARBOROUGH,
Parish judge.

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2d. The said Lynch and Bastrop do further, for themselves and each of them, their heirs, executors, release and forever quit-claim, to the said Morehouse and his heirs, four undivided tenth parts of the certain tract of land conceded by the Spanish government to the said Baron of Bastrop, situated in the district of Ouachita, containing twelve leagues square, and do agree that they will not, nor will their heirs, set up any claim to the said land hereby released, either in law or equity; nor shall the said Morehouse be troubled in or evicted from his said possession of said land in consequence of any sale, transfer, or assignment made thereof by the said Lynch or Bastrop; in this engagement, stand separately bound, each for himself, and that the one is not to be made responsible for a breach on the part of the other, or proceeding from his heirs or assigns.

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5th. And the said Lynch further consents, to and with the said Morehouse, in consideration of the premises, that the said Lynch will forever release, remove, and take off from said concession of twelve leagues square, and also from one other tract, sold to said Morehouse by the Baron of Bastrop, lying on the Ouachita river, at the mouth of the bayou Siard, supposed to contain one thousand two hundred acres, more or less, *and* every incumbrance in favor of Stephen Wante or his assigns, which might, on account of a mortgage given by the said Bastrop to said Wante to secure the payment of forty-five thousand dollars, will forever guarantee and protect said Morehouse from the same.

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9th. The said parties have further agreed, that all lands heretofore sold by said Morehouse, being a part of said concession, so far as the same are described in the schedule annexed hereto, shall be left with the said Morehouse, and to be considered a part of his four-tenths; the said Lynch and Bastrop hereby agree to release all their claims or pretensions to the same.

10th. The parties to this contract all expressly agree, that all actual settlers on the grant aforesaid shall be quieted in their possessions and in their property, so far as respects the claims of the parties hereto, as well as those who have been introduced by the said Baron as those who have been seated there by the said Morehouse, and who, by the records of the post of Ouachita, are entitled to grants under the said Morehouse or Bastrop: provided, also, that those who have not yet settled, may be allowed to do so and receive land equal to the average quality of said grant; and that if Sylvanus Bascum, Father Joseph, and John Owens shall refuse to run out their lands in such manner as not to interfere with other grants, or not to injure the value of the residue of the tracts of the parties to this contract, and shall resort to law for damages or a specific performance of the contracts under which they claim said land, then the parties hereto agree to bear all expenses, pay all damages, and contribute to the performance of such decisions, in proportions equal to

their respective interests in said grant, as fixed by the stipulations of this contract.

11th. The said Lynch further engages to procure for the said Baron from Col. John Blanton, and to annex hereto, a release from all remaining responsibility on account of the uncollected balance of three bonds, amounting in the whole to fifty thousand dollars, given by the said Bastrop to said Morehouse, and also to procure from the said Blanton a release from all claims or demands which he may have on Col. Morehouse for any part of said grant under a contract which exists between them relative thereto.

12th. The Baron of Bastrop accepts the terms of this instrument as a full satisfaction of all his claims upon the said Lynch, and, upon his compliance therewith, declares the said Lynch released and acquitted from all claims or demands, of whatever nature, on the part of said Bastrop.

13th. And the said Lynch and Morehouse, for themselves, their heirs, executors, &c., agree that the said Bastrop is hereby exonerated, released, and effectually discharged from all future responsibility, upon or on account of the said bonds from him to said Morehouse, for the sum of fifty thousand dollars, reserving, however, all the land and other property of said Bastrop in Kentucky, which has been already purchased under the same to the present proprietors hereof; and the said Morehouse hereby releases and discharges said Baron Bastrop from all contracts, debts, dues, and demands not growing out of, or expressly secured in, the present instrument. And the said Morehouse further engages and covenants, that the said Baron of Bastrop shall not, at any time hereafter, be sued upon or made liable to pay any debts or notes passed away or assigned by the said Morehouse, but shall be completely released, discharged, and forever indemnified against all demands or claims of all persons deriving title from or under him, the said Morehouse, to any bonds, bills, notes, or contracts, which may have passed from the said Baron of Bastrop to or through the said Morehouse.

Schedule of lands sold by Abraham Morehouse, in Ouachita, and which are run out:

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Prosper King	1,600
Nicholas Merriweather and family	600
William Thomas	1,500
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Benjamin Richardson	500
Halton Clerk & E. Middleton	2,300
Ten lots at the prairie Jefferson, each of 500 acres	5,000
Reuben Morehouse	500
The farm on which Abraham Morehouse lives, at the prairie Mer Rouge	1,500
	18,000

(Signed) A. MOREHOUSE.

14th. The said Lynch and the said Morehouse, in order to guarantee the execution of the eleventh article herein contained, particularly as far as relates to the said Blanton, together with the release of the said Lynch and the said Morehouse to the Baron of Bastrop of the said bond of fifty thousand dollars, given by the Baron as aforesaid to the said Morehouse, and to completely indemnify the Baron against the enforcement of said bond, hereby mortgage fifty thousand acres of land—that is to say, twenty-five thousand acres each of their respective undivided shares—to be laid off according to quantity and quality as aforesaid; the said mortgage to be dissolved and extinguished upon the attainment of the said release by all the parties as aforesaid.

In witness whereof the parties above named have signed these presents with and in presence of me, the notary, and of the witnesses, John Be. Ramirez and Joachim Lozano, on the day and year first above written. The minute of the present is signed Ch. Lynch, Baron de Bastrop, A. Morehouse, Joachim Lozano, Jean Bapt. Ramirez, and I, Peter Pedesclaux, notary public aforesaid, and subscribed

PETER PEDESCLAUX, *Not. Pub.*

STATE OF LOUISIANA,
Parish of Ouachita.

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy taken from the records in my office.

In testimony whereof I have hereunto signed my name and affixed my seal of office, on this 30th day of July, A. D. 1834.
[SEAL.]

LEWIS F. LAMY,
Parish Judge.

Document marked E.

A. Morehouse & E. Livingston—Partition.

Whereas, by an agreement made and entered into on the fourteenth day of May, in the year of our Lord one thousand eight hundred and five, and in the twenty-ninth of American independence, before Peter Pedesclaux, notary public in the city of New Orleans, by the Baron de Bastrop of the first part, Charles Lynch of the second part, and Abraham Morehouse of the third part—each of the parties being personally present—in which contract, signed and duly recorded, it is agreed between and by the several parties, under divers stipulations to be performed, that the said Abraham Morehouse should be entitled to hold in his own right four undivided tenth parts of a certain tract of land conceded by the Spanish government to the said Baron de Bastrop, situated in the district of Ouachita, containing twelve leagues square; and the said Charles Lynch should hold and be entitled to the remaining six tenths parts, the same to be divided by a line to be agreed on by the parties.

And whereas it now appears by a judgment of the superior court of the territory of Orleans, rendered on the seventh day of March, eigh-

teen hundred and six, in favor of Edward Livingston, and against said Charles Lynch, and likewise by an assignment and release made and recorded before the signing of these presents from the said Charles Lynch, by his attorney in fact, John Adair, to Edward Livingston; that the said Edward Livingston is now entitled to six undivided tenth parts of said grant, under the stipulation of being bound to perform all the conditions which the said Lynch was bound to perform by the aforesaid recited agreement.

The parties have entered into the following division, to wit: The said Edward Livingston, by his attorney in fact, Augustus Davesac de Castra, does, for himself, his heirs, executors, &c., &c., release and forever quit claim to the said Abraham Morehouse, his heirs, executors, &c., to four tenth parts of said grant of twelve leagues square; which four tenth parts contain, by estimation, four hundred thousand arpents, and bounded as follows:

Beginning at the eighteen mile tree from the letter D, on the eastern line of the survey of said grant made by Henry Cassidy, authorized surveyor on the part of the United States to survey all lands in this district; thence running north thirty-three degrees west, until it crosses the bayou Bartholemy on its most western bank; thence running to the river Ouachita, in such direction as will include the quantity; and the said Abraham Morehouse does, for himself, his heirs, &c., &c., release and forever quit claim to the said Edward Livingston, his heirs, executors, and assigns, the remaining six tenth parts, contain[ing] by estimation six hundred thousand arpents, under the conditions of the aforesaid recited agreement, and bounded as follows, to wit: Beginning at the eighteen mile tree aforesaid, and running with the line aforesaid until it strikes the Ouachita, and round with the line of the survey of said grant made by the said Henry Cassidy; it being understood and intended that Edward Livingston shall hold all the lands within the grant north and east of the said division line, and the said Abraham Morehouse all the lands on the south and west of the same, as may appear more fully by a reference to the said map of the grant executed by the said Cassidy, in which the lines of division here referred to are marked, as witness our hands and seals the 18th Sept., 1807.

A. MOREHOUSE, [SEAL.]
EDWARD LIVINGSTON,
By AUGUSTUS DAVESAC DE CASTRA,
His attorney in fact.

Witness present—
J. L. HENDERSON,
P. CASSIDY,
H'RY CASSIDY.

I do hereby certify, that Augustus Davesac is the same man with Augustus Davesac de Castra, and that he signs both names.

H'Y BRY, *Parish J'e.*

Acknowledged before me; therefore it is ordered to have it recorded in this office.

H. BRY, *P. J'e.*

STATE OF LOUISIANA, *parish of Ouachita.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy taken from the records of my office.

In testimony whereof I have hereto signed my name and [SEAL.] affixed my seal of office, on this 30th day of July, A. D. 1834.

LEWIS F. LAMY, *Parish Judge.*

Document marked F.

Whereas, by an agreement made and entered into on the twenty-fourth day of January, 1805, in the city of New Orleans, between Charles Lynch, of the one part, and Edward Livingston, of the other; and likewise by an agreement made and entered into on the 14th day of May, 1805, between the Baron de Bastrop, of the one part, Charles Lynch, of the second part, and Abraham Morehouse, of the third part, by which several agreements the said Charles Lynch became entitled to six undivided tenth parts of a certain tract of land ceded to the Baron de Bastrop by the Spanish government, situated in the district of Ouachita, containing twelve leagues square: And whereas, by a judgment of the superior court in New Orleans, rendered in the seventh day of March, 1805, the said Edward Livingston again became entitled to a certain part of said six tenth parts claimed by said Lynch:

Now, be it known and fully understood, that in consequence of present arrangement between Edward Livingston, by his attorney in fact, Augustus Davesac de Castra, and Charles Lynch, by his attorney in fact, John Adair, the said Charles Lynch does hereby release and forever quit claim, for himself, his heirs, executors, and assigns, &c., &c., to the said Edward Livingston, his heirs, executors, &c., &c., all the right and title which he, the said Charles Lynch, has yet remaining in and to the said tract of land; and he does hereby place the said Edward Livingston in his head, with full power to hold, receive, and make conveyance to the same in as full a manner as he, the said Lynch, could do, warranting and forever defending the premises as above from the said Charles Lynch and his heirs forever, to the said Edward Livingston, his heirs, &c.

As witness whereof, the said Charles Lynch, by his attorney in fact, the aforesaid John Adair, has hereunto set his hand and affixed his seal, this 27th day of September, in the year of our Lord 1807.

CHARLES LYNCH, [SEAL.]
By his attorney in fact, JOHN ADAIR.

Test:

J. L. HENDERSON,
P. CASSIDY,
HENRY CASSIDY.

Acknowledged before me; therefore ordered to be recorded.

H'Y BRY, *Parish Judge.*

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I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[SEAL.] In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

J. C. SCARBOROUGH,
Parish judge.

Document marked G.

This indenture, made this 14th day of October, 1810, between Thos. C. Lewis, parish judge in and for the parish of Ouachita, and collector of the territorial tax for the said parish and territory of Orleans, for and on behalf of the said territory of the one part, and Andrew Latting, of the parish and territory aforesaid of the other part, witnesseth: That whereas the said Thomas C. Lewis, collector of the tax as aforesaid, did, on the 5th day of March, in the year aforesaid, by virtue of the return by appraisers duly appointed and commissioned agreeably to law passed and approved on the 10th day of April, in the year 1807, entitled "An act for levying a tax on lands and slaves in the territory of Orleans," the said appraisers returned to the said Thomas C. Lewis, as parish judge and collector of the tax as aforesaid, that Abraham Morehouse, resident of the parish aforesaid, possessed, within the said parish, three hundred and twenty three thousand one hundred and sixty-one acres, subject to territorial tax for the year 1809; and the said Abraham Morehouse being delinquent after the necessary advertisements, demand of taxes, and publications prescribed by law; and the said Morehouse not possessing any personal property, by the said Morehouse's declaration or within the knowledge of the said Thomas C. Lewis, collector as aforesaid, whereby to make the said taxes due on the land aforesaid, did, by the wish and direction of the said Morehouse, seize and publish the said lands for sale for the payment of the said taxes and charges that might be due thereon on the day of sale, at the jail door of the said parish; and whereas, on the 5th day of March, in the year aforesaid, at the jail door of the said parish, according to the said last publication, (the said Morehouse being yet delinquent,) did proclaim the said lands for sale, to wit, the less quantity for the tax and charges thereon; and the said Andrew Latting bid the tax and charges aforesaid for the quantity of fifty thousand acres; wherefore, in consideration of the tax and charges thereon, to wit, tax $200 66, and charges on sale ten dollars, the receipt whereof the said Thomas C. Lewis, collector as aforesaid, acknowledges and thereof doth acquit the said Latting and his heirs forever. The said Thos. C. Lewis, acting as aforesaid, doth by these presents convey to the said Andrew Latting and his heirs forever the said fifty thousand acres of land, customary measure of the country; and by the direction and special request of the said Abraham Morehouse to the said Thomas C. Lewis, collector as aforesaid, and with the consent of the said Andrew Latting, the said quantity of fifty thousand acres is bounded as follows, to wit: beginning at the letter D of said Abraham Morehouse's portion of the

grant of record in the office of the parish judge, and to run from thence north (33) thirty-three west, on the line or lines of the townships of Madison and Gallatin, and then at right angles to include the quantity; to exclude all surveys that may be within, vizt: Richard Keense, supposed to be about two thousand acres. To have and to hold the said tract of land to the said Andrew Latting and his heirs forever, with the same right and title as the said Abraham Morehouse possessed by.

In witness whereof the said parties have hereto set their hands and seals the date above written.

THOS. C. LEWIS, [SEAL.]
Collector of the territorial tax for and on behalf of the said territory of Orleans.
A. MOREHOUSE. [SEAL.]

Test: J. L. HENDERSON,
L. MOORE PARKE.

TERRITORY OF ORLEANS, *parish of Ouachita.*

Before me, Thomas C. Lewis, parish judge in and for the parish aforesaid, duly authorized by law to discharge and perform notarial acts, personally came Thomas C. Lewis, collector as aforesaid, and Abraham Morehouse, whose names are subscribed to the foregoing deed of conveyance, and acknowledged as their act and deed respectively; also Andrew Latting, grantee, who accepted and ordered the said deed of conveyance to be recorded in the archives of this parish.

In testimony whereof I have hereto set my hand and affixed my [SEAL.] seal of office this fourteenth day of October, eighteen hundred and ten, and in the 35th year of American independence.

THOS. C. LEWIS.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[SEAL.] In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

J. C. SCARBOROUGH,
Parish judge.

Document marked H.

A. Latting to Joseph Morehouse—deed.

Before me, Thomas C. Lewis, parish judge in and for the parish of Ouachita, duly authorized to perform and discharge notarial acts, personally appeared And. Latting of the one part, and Abraham Morehouse, on the part of his minor daughter, Sophia Louisa Morehouse, of the other part, both residents of the parish aforesaid; and the said Andrew Latting hereby sells and by these presents conveys, unto the said Sophia Louisa Morehouse, minor as aforesaid, with assent of the said Abraham Morehouse as hereafter mentioned, for and in consideration of the sum of one thousand dollars in hand paid by the said Abraham Morehouse acting as aforesaid, the receipt whereof is hereby acknowledged, a certain tract or parcel of land situate in the parish of Ouа-

chita and territory aforesaid, and bounded as follows, to wit: Beginning at a stake [in] the southwesterly corner of Ann Maria Morehouse's eight thousand arpents on the line of Madison township; thence so far on said line and at right angles, and with said Anne Maria Morehouse's side line, to the beginning, plotting out any interference that may exist; to be four times as long as wide, taking the line of Madison township as the front, containing eight thousand arpents of land; being a part of Andrew Latting's fifty thousand arpents tract conveyed by the collector of the territorial tax in and for the parish aforesaid, to the said Latting, and within that portion of the grant known by the name of the Baron de Bastrop's grant, late the property of Abraham Morehouse; which conveyance is of record in the office of the parish judge of the parish aforesaid, and bearing date the fourteenth day of October, eighteen hundred and ten. To have and to hold, unto the said Sophia Louisa Morehouse, and her heirs forever, the said tract or parcel of land with its appurtenances, which the said Abraham Morehouse, acting as aforesaid, hereby accepts on the part of his said minor daughter Sophia Louisa Morehouse aforesaid; and the said Andrew Latting, by these presents, for himself and his heirs, warrants and forever defends the title to the said eight thousand arpents against himself and his heirs, but no others; and the said Latting hereby renounces all right of *desolution* or rescision of these presents; and further, admits the said Abraham Morehouse, on the part of the said Sophia Louisa Morehouse, his minor daughter aforesaid, to be in full and peaceable possession of the premises.

In testimony whereof the parties have signed these presents with me, the said parish judge, acting as aforesaid, and in presence of witnesses here present, this eighteenth day of October, eighteen hundred and ten.

(Signed) ANDREW LATTING,
A. MOREHOUSE.

Test: J. L. HENDERSON,
J. MOORE PARKER.

THOS. C. LEWIS. [SEAL.]

STATE OF LOUISIANA, *parish of Ouachita.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy of the original on file and of record in my office.

[SEAL.] In faith whereof I have hereto signed my name and affixed my seal of office, on this 30th day of Nov., 1836.

LEWIS F. LAMY, *Judge.*

Document marked I.

A. Latting to C. F. Morehouse—deed.

Before me, Thomas C. Lewis, parish judge in and for the parish of Ouachitta, duly authorized by law to discharge and perform notarial acts, personally appeared Andrew Latting, of the one part, and Abra-

ham Morehouse, on the part of his son, Charles Ferdinand Morehouse, of the other part, both residents of the parish aforesaid. And the said Andrew Latting hereby sells, and by these presents conveys, unto the said Charles Ferdinand Morehouse, minor as aforesaid, with the assent of the said Abraham Morehouse, as hereafter mentioned, for and in consideration of the sum of one thousand dollars to him, the said Latting, in hand paid by the said Abraham Morehouse, acting as aforesaid, the receipt whereof is hereby acknowledged, a certain tract or parcel of land situate in the parish of Ouachitta, and territory of Orleans, and bounded as follows, to wit: Beginning at a stake at George Morehouse's most southwesterly corner, on the line of Gallatin township; thence on said line north 33° west, fifty arpents, to a stake; thence north 52° E., one hundred and sixty arpents, to a stake; thence south 33° fifty arpents, to a stake; thence at right angles to the beginning, containing eight thousand arpents of land, being a part of Andrew Latting's fifty thousand arpents tract conveyed by the collector of the territorial tax in and for the parish aforesaid, to the said Latting, and within that portion of the grant known by the name of the Baron de Bastrop's grant, late the property of Abraham Morehouse, which conveyance is of record in the office of the parish judge of the parish aforesaid, and bearing date the fourteenth day of October, eighteen hundred and ten; to have and to hold, unto the said Charles Ferdinand Morehouse and his heirs forever, the said tract or parcel of land, with its appurtenances, which the said Abraham Morehouse, acting as aforesaid, hereby accepts on the part of his said minor son, Charles Ferdinand Morehouse, aforesaid; and the said Andrew Latting, by these presents, for himself and his heirs, warrants and forever defends the title to the said eight thousand arpents against himself and his heirs, but no other. And the said Andrew Latting hereby renounces all right of dissolution or recision of these presents, and further, admits the said Abraham Morehouse, on the part of the said Charles Ferdinand Morehouse, his minor son aforesaid, to be in full and peaceable possession of the premises. In witness whereof the parties have signed these presents with me, the parish judge as aforesaid, and in presence of witnesses here present, this eighteenth day of October, eighteen hundred and ten.

(Signed) ANDREW LATTING,
A. MOREHOUSE,
THOS. C. LEWIS. [SEAL.]

Attest:
J. L. HENDERSON,
T. MOORE PARKER.

STATE OF LOUISIANA, *parish of Ouachitta.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my seal of office, on this 30th day of November, 1836.
[SEAL.]
LEWIS F. LAMY, *Judge.*

Document marked J.

Latting to A. M Morehead—deed.

Before me, Thomas C. Lewis, parish judge in and for the parish of Ouachitta, duly authorized by law to discharge and perform notarial acts, personally appeared Andrew Latting, of the one part, and Abraham Morehouse, on the part of his minor daughter, Anne Maria Morehouse, both residents of the parish aforesaid. And the said Andrew Latting hereby sells, and by these presents conveys, unto the said Anne Maria Morehouse, minor as aforesaid, with the consent of the said Abraham Morehouse, as hereafter mentioned, for and in consideration of the sum of one thousand dollars to him, the said Latting, in hand paid by the said Abraham Morehouse, acting as aforesaid, the receipt whereof is hereby acknowledged, a certain tract or parcel of land situated in the parish of Ouachitta, and territory of Orleans, and bounded as follows, to wit: Beginning at a stake, the southwesterly corner of Andrew Morehouse's eight thousand acres, on the line of Madison township; thence so far on said line, and at right angles, and with said line to the beginning; platting out any interference that may exist to be four times as long as wide, taking the lines of Madison township as the front, and containing eight thousand acres of land, being a part of Andrew Latting's fifty thousand arpents tract conveyed by the collector of the territorial tax in and for the parish aforesaid, to the said Latting, and within that portion of the grant known by the name of the Baron de Bastrop's grant, late the property of Abraham Morehouse; which conveyance is of record in the office of the parish judge of the parish aforesaid, and bearing date the fourteenth day of October, eighteen hundred and ten. To have and to hold, unto the said Anne Maria Morehouse and her heirs forever, the said tract or parcel of land, with its appurtenances, and which the said Abraham Morehouse, acting as aforesaid, hereby accepts on the part of his minor daughter, Anne Maria Morehouse aforesaid. And the said Andrew Latting, by these presents, for himself and his heirs, warrants and defends the title to the said eight thousand arpents against himself and his heirs, but no others. And the said Andrew Latting hereby renounces all right of dissolution or rescision of these presents; and further, admits the said Abraham Morehouse, on the part of the said Anne Maria Morehouse, his minor daughter aforesaid, to be in full and peaceable possession of the premises.

In virtue whereof the parties have signed these presents with me, the said parish judge, acting as aforesaid, and in presence of witnesses here present, this eighteenth day of October, eighteen hundred and ten.

(Signed) ANDREW LATTING,
A. MOREHOUSE,
THOS. C. LEWIS. [SEAL.]

Attest:

J. L. HENDERSON,
T. MOORE PARKER.

STATE OF LOUISIANA,
Parish of Ouachitta.

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have signed my name, and affixed my seal of office, on this 30 day of November, A. D. 1836.

[SEAL.] LEWIS F. LAMY, *Judge.*

Document marked K.

Latting to Eliza Morehouse—deed.

Before me, Thomas C. Lewis, parish judge in and for the parish of Ouachita, duly authorized by law to discharge and perform notarial acts, personally appeared Andrew Latting, of the one part, and Abraham Morehouse, on the part of his minor daughter, Eliza Caroline Morehouse, of the other part, both residents of the parish aforesaid; and the said Andrew Latting hereby sells, and by these presents conveys, unto the said Eliza Caroline Morehouse, minor as aforesaid, with the assent of the said Abraham Morehouse, as hereafter mentioned, for and in consideration of the sum of one thousand dollars, in hands paid by the said Abraham Morehouse, acting as aforesaid, the receipt whereof is hereby acknowledged, a certain tract or parcel of land situate in the parish of Ouachita and territory of Orleans, and bounded as follows, to wit: Beginning at a stake at Sophia Louisa Morehouse's most westerly corner, on the line of Madison and Gallatin township (so supposed); thence so far as said line of Gallatin, and at right angles and with the said Sophia Louisa's side line, to the beginning, plotting out any interference that may exist; to be four times as long as wide, taking the line of Gallatin as the front; containing eight thousand arpents of land, being a part of Andrew Latting's fifty thousand arpents tract, conveyed by the collector of the territorial tax, in and for the parish aforesaid, to the said Latting, and within that portion of the grant known by the name of the Baron de Bastrop's grant, late the property of Abraham Morehouse; which conveyance is of record in the office of the parish judge in the parish aforesaid, and being dated the fourteenth day of October, eighteen hundred and ten; to have and to hold, unto the said Eliza Caroline Morehouse and her heirs forever, the said tract or parcel of land with its appurtenances, and which the said Abraham Morehouse, acting as aforesaid, hereby accepts on the part of his minor daughter, Eliza Caroline Morehouse aforesaid. And the said Andrew Latting, by these presents, for himself and his heirs, warrants and forever defends the title to the said eight thousand arpents, against himself and his heirs, but no others; and the said Andrew Latting herein renounces all right of dissolution or rescision of these presents; and further, admits the said Abraham Morehouse, on the part of the said Eliza Caroline Morehouse, his minor daughter as aforesaid, to be in full and peaceable possession of the premises. In witness whereof the parties

have signed these presents with me, the said parish judge, acting as aforesaid, and in presence of witnesses here present, this eighteenth day of October, eighteen hundred and ten.

(Signed) ANDREW LATTING,
A. MOREHOUSE,
THOS. C. LEWIS. [SEAL.]

Attest:
J. L. HENDERSON,
T. MOORE PARKER.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing copy to be a true copy of the original on file and of record in my office.

[L. S.] In testimony whereof I have hereto signed my name and affixed my seal of office, on this 30th November, 1836.

LEWIS F. LAMY, *Judge.*

Document marked KK.

Latting to Geo. Morehouse—deed.

Before me, Thomas C. Lewis, parish judge in and for the parish of Ouachita, duly authorized by law to discharge and perform notarial acts, personally appeared Andrew Latting, of the one part, and Abraham Morehouse, on the part of his minor son, George Morehouse, of the other part, both residents of the parish aforesaid; and the said Andrew Latting hereby sells, and by these presents conveys, unto the said George Morehouse, minor as aforesaid, with the assent of the said Abraham Morehouse hereafter mentioned, for and in consideration of the sum of one thousand dollars, unto the said Andrew Latting in hand paid by the said Abraham Morehouse acting as aforesaid, the receipt whereof is hereby acknowledged, a certain tract or parcel of land, situate in the parish of Ouachita and territory of Orleans, and bounded as follows, to wit: Beginning at a stake at Eliza Caroline Morehouse's most southwesterly corner, on the line of Gallatin township; from thence so far said line, and at right angles, and with the side line of said Eliza Caroline's side line, to the beginning; to be four times as long as wide, taking the said line of Gallatin as the front; containing eight thousand arpents, being a part of the said Andrew Latting's fifty thousand arpents tract, conveyed by the collector of the territorial tax, in and for the parish of Ouachita, to the said Latting, and within that portion of the grant known by the name of the Baron de Bastrop's grant, late the property of Abraham Morehouse, which said conveyance is of record in the office of the parish judge of the parish aforesaid, and bearing date the fourteenth day of October, eighteen hundred and ten; to have and to hold, unto the said George Morehouse, and his heirs forever, the said tract or parcel of land, with its appurtenances, which the said Abraham Morehouse, acting as aforesaid, hereby accepts on the part of his said minor

son, George Morehouse aforesaid; and the said Andrew Latting, by these presents, for himself and his heirs, warrants and forever defends the title to the said eight thousand arpents against himself and his heirs, but no others; and the said Andrew Latting hereby renounces all right of dissolution or rescision of these presents; and further admits the said Abraham Morehouse, on the part of the said George Morehouse, his minor son as aforesaid, to be in full and peaceable possession of the premises. In witness whereof the parties have signed these presents with me, the said parish judge, acting as aforesaid, and in presence of witnesses here present, this eighteenth day of October, eighteen hundred and ten.

(Signed) ANDREW LATTING,
A. MOREHOUSE.
THOS. C. LEWIS. [SEAL.]

Attest:
J. L. HENDERSON,
T. MOORE PARKER.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy of the original, on file and of record in my office.

In faith whereof I have hereto signed my name, and affixed my seal of office, on this 1st day of December, A. D. 1836.
[L. S.]
LEWIS F. LAMY, *Judge.*

Document marked L.

Latting to Andrew Morehouse—deed.

Before me, Thomas C. Lewis, parish judge in and for the parish of Ouachita, duly authorized by law to discharge and perform notarial acts, personally appeared Andrew Latting, of the one part, and Abraham Morehouse, on the part of his minor son Andrew Morehouse, both residents of the parish aforesaid; and the said Andrew Latting sells, and by these presents conveys, to the said Andrew Morehouse, minor, as aforesaid, with the assent of the said Abraham Morehouse, as hereafter mentioned, for and in consideration of the sum of one thousand dollars, in hand paid by the said Abraham Morehouse, acting as aforesaid, the receipt whereof is hereby acknowledged, a certain tract or parcel of land situate in the parish of Ouachita, and territory of Orleans, and bounded as follows, to wit: Beginning at a stake, twenty-two acres and seven poles, on the line of the township of Madison, from Andrew Latting beginning corner D; running thence, on the said line, north 33° west, fifty arpents, to a stake; thence north 52° east, 160 arpents, to a stake; thence south 33 east, fifty arpents, to a stake; thence, at right angles, to the beginning; containing eight thousand arpents of land, being a part of said Latting's fifty thousand arpents tract, conveyed by the collector of the territorial tax in and for the parish aforesaid to the said Latting, and within that portion of the grant known by the name of the

Baron de Bastrop's grant, late the property of Abraham Morehouse; which conveyance is of record in the office of the parish judge of the parish aforesaid, and bearing date the 14th day of October, eighteen hundred and ten. To have and to hold, unto the said Andrew Morehouse, and his heirs forever, the said tract or parcel of land, with its appurtenances; which the said Abraham Morehouse, acting as aforesaid, hereby accepts on the part of his said minor son Andrew Morehouse aforesaid. And the said Andrew Latting by these presents, for himself and his heirs, warrants and forever defends the title to the said eight thousand arpents, against himself and his heirs, but no others. And the said Andrew Latting hereby renounces all right of dissolution and rescision of these presents, and further admits the said Abraham Morehouse, on the part of the said Andrew Morehouse, his minor son as aforesaid, to be in full and peaceable possession of the premises.

In witness whereof the parties have signed these presents with me, the parish judge, acting as aforesaid, and in presence of witnesses here present, this 11th day of October, eighteen hundred and ten.

(Signed) ANDREW LATTING, [L. S.]
A. MOREHOUSE, [L. S.]
THOS. C. LEWIS. [L. S.]

Attest: J. L. HENDERSON,
T. MOORE PARKER.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing to be a true and correct copy of the original, on file and of record in my office.

In faith whereof I have hereto signed my name, and affixed my seal of office, on this 1st day of December, A. D. 1836.
[L. S.]
LEWIS F. LAMY, *Judge.*

Document marked M.

This indenture, made the twenty-eighth day of April, in the year of our Lord one thousand eight hundred and twenty-five, between the Rev. George Y. Morhouse, of Mount Holly, in the county of Burlington, in the State of New Jersey, and Martha, his wife, of the one part, and Stephen Girard, of the city of Philadelphia, merchant, of the other part, witnesseth: That the said George Y. Morhouse and Martha, his wife, for and in consideration of the sum of one thousand six hundred dollars, lawful money of the United States unto them, at or before the sealing and delivery hereof by the said Stephen Girard well and truly paid, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and conveyed, aliened, enfeoffed, released, and confirmed, and by these presents do grant, bargain, sell, and convey, alien, enfeoff, release, and confirm, unto the said Stephen Girard, and to his heirs and assigns, a certain tract or parcel of land situated in the parish of Ouachita, in the State of Louisiana, bounded as follows, to wit: Beginning at a stake at Eliza Caroline Morhouse's most southwesterly

corner in the line of Gallatin township; from thence so far on said line, and at right angles, and with the side line of said Eliza Caroline's side line, to the beginning; to be four times as long as wide, taking the said line of Gallatin as the front, containing eight thousand arpents, or French acres, (being part of Andrew Latting's fifty thousand arpent tract, conveyed by the collector of the territorial tax in and for the parish of Ouachita to the said Latting, and within that portion of the grant known by the name of the Baron the Bastrop's grant, late the property of Abraham Morhouse; which said conveyance is of record in the office of the parish judge of the parish aforesaid, and bearing date the fourteenth day of October, one thousand eight hundred and ten. And the said Andrew Latting, by a conveyance bearing date the eighteenth day of October, one thousand eight hundred and ten, recorded in the office of the parish judge of the parish aforesaid, conveyed the above described tract of eight thousand arpents of land unto the said George Y. Morhouse, by the name of George Morhouse, who was then a minor, with the assent of his father, the said Abraham Morhouse;) and also all other the lands, lying and being within the limits of the aforesaid grant known by the name of the Baron de Bastrop's grant, which he, the said George Y. Morehouse, is seized of, interested in, or entitled to, either in his own right, or in right of his deceased brother Andrew Y. Morhouse, or otherwise howsoever; together with all the rights, members, and appurtenances whatsoever thereunto belonging, or in any wise appertaining; and also all the estate, right, title, interest, property, claim, and demand whatsoever, of him, the said George Y. Morhouse, in law, equity, or otherwise howsoever, of, in, and to the same, and every part and parcel thereof. To have and to hold all and singular the hereditaments and premises hereby granted and conveyed, or mentioned and intended so to be, with the appurtenances, unto the said Stephen Girard, his heirs and assigns, to and for the only proper use and behoof of the said Stephen Girard, his heirs and assigns forever. And the said George Y. Morhouse, for himself and his heirs, doth covenant with the said Stephen Girard, his heirs and assigns, in manner and form following, that is to say:

First. That he, the said George Y. Morhouse, hath not done, suffered, or committed any act, matter, or thing, whereby the said granted and bargained premises, with the appurtenances, or any part thereof, is, or may be, in any wise, changed, burthened, or encumbered.

Second. That he, the said George Y. Morhouse, and his heirs, shall and will, upon the reasonable request of the said Stephen Girard, his heirs and assigns, and at their proper costs and charges in the law, make, seal, execute, and acknowledge any other deed, conveyance, or assurance, for the better and more effectually conveying and assuring the estate, right, and interest of the said George Y. Morehouse in and to the aforesaid eight thousand arpents, or acres of land, as above granted and conveyed, or so meant and intended to be, unto the said Stephen Girard, and his heirs, as by his and their counsel learned in the law shall be reasonably advised, devised, or requested; provided the said

George Y. Morehouse and his heirs shall not be compelled to travel from his or their usual place of abode for the doing of the same.

Third. That he, the said George Y. Morhouse, and his heirs, the aforesaid eight thousand arpents or acres of land hereby conveyed unto him, the said Stephen Girard, his heirs and assigns, against the claim of all persons whomsoever, lawfully or to claim the same, or any part thereof, by form or under him, the said George Y. Morhouse, and his heirs, shall and will warrant and forever defend.

And lastly. That he, the said George Y. Morhouse, hereby renounces all right of dissolution or rescision of these presents, and further admits the said Stephen Girard to be in full and peaceable possession of the said premises and of every part thereof.

In witness whereof the said George Y. Morhouse and Martha, his wife, have hereunto set their hands and seals the day and year first aforesaid.

GEORGE Y. MORHOUSE,
MARTHA MORHOUSE.

Sealed and delivered in the presence of—
MARGARET R. REED,
SAMUEL J. REED.

STATE OF NEW JERSEY, *Burlington county, ss:*

Be it remembered, that on the twenty-eighth day of April, one thousand eight hundred and twenty-five, personally appeared before me, Thomas Adams, esquire, public notary in and for the State of New Jersey, as also one of the judges of the inferior court of common pleas in and for the said county of Burlington, and a justice of the peace within the same, George Y. Morhouse and Martha, his wife, in the above written indenture named, and acknowledged the same to be their voluntary act and deed, by them signed, sealed, and delivered for the use and purposes therein mentioned; and I having made known to them the contents thereof, and being satisfied they were the grantees therein, and the said Martha being of full age, and by me privately examined from the said husband, did acknowledge that she executed the said indenture as her voluntary act and deed freely, without any fear, threats, or compulsion, from her said husband.

In testimony whereof, I have caused my notarial seal to be hereunto affixed, and subscribed the same with my hand, at the city of Burlington, in the county and State aforesaid, the day and year aforesaid.

THOS. ADAMS, *N. P.*

Witness present: SAM'L J. REED.

Received the day of the date of the above written indenture of the above named Stephen Girard the sum of one thousand six hundred dollars, being the full consideration money above mentioned.

GEORGE Y. MORHOUSE.

Witness: MEREDITH COLHOUN,
JOHN U. BARCLAY.

STATE OF NEW JERSEY, *Secretary's office, Trenton, May 2d*, 1825.

I, Daniel Coleman, secretary of said State, do certify, that Thomas Adams, esquire, is a notary public in and for said State, a judge of the inferior court of common pleas, and justice of the peace in and for the county of Burlington, in said State, duly appointed and commissioned, and that full faith and credence may and ought to be given to his official acts accordingly.

Given under my hand and seal of office, at Trenton, the day and year aforesaid.

DANIEL COLEMAN.

STATE OF NEW JERSEY.

Isaac H. Williamson, governor of the State aforesaid, to all whom these presents shall come, sends greeting:

Know ye, that Daniel Coleman, whose name is subscribed to the foregoing certificate, was at the time of subscribing the same, and now is, secretary of the State of New Jersey, duly appointed and commissioned, and full faith and credit may and ought to be given to his official acts accordingly, and that the said attestation is in due form and by the proper officer.

Given under my hand and the great seal of the State, at the borough of Elizabeth, this second day of May, in the year of our Lord one thousand eight hundred and twenty-five, and of the independence of the United States the forty-ninth.

ISAAC H. WILLIAMSON,

By the Governor:

DANIEL COLEMAN, *Sect'ry*.

Recorded the within deed and annexed certificates in the office for recording deeds, &c., for the city and county of Philadelphia, in deed book G, W, R, No. 5, page 266, &c.

Witness my hand and seal of office this fourth day of May, anno domini 1825. GEO. W. RITER, *Recorder*.

STATE OF LOUISIANA,
Parish of Ouachita.

I, Lewis F. Lamy, parish judge in and for said parish and State, do hereby certify the foregoing and within to be a true and correct copy of the original on file and of record in my office.

In full faith whereof I have hereto signed my name and affixed my seal of office on this 3d day of October, A. D. 1836.

[SEAL.] LEWIS F. LAMY, *Judge*.

Document marked N.

On this seventh day of July, in the year of [our] Lord one thousand eight hundred and sixteen, before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, personally came and appeared Andrew Latting, who declared, that for and in

consideration of the sum of one thousand dollars, to him in hand paid by Nathan Morse, for himself and as attorney in fact for R. R. Goelet, the receipt whereof he does hereby acknowledge to have received before the signing and delivery of these presents, and thereof doth forever acquit and discharge the said Nathaniel Morse and R. R. Goelet, their heirs, and assigns, does bargain, sell, alien, convey, and confirm, and by these presents doth bargain, sell, alien, convey, and confirm, unto the said Nathan Morse and R. R. Goelett, as aforesaid, a certain tract or parcel of land, situate, lying, and being in the parish of Ouachita, and State of Louisiana, containing two thousand arpents, it being a part of the grant known by the name of the Baron de Bastrop's grant, and being a part of a tract of land of fifty thousand arpents, purchased by the said Latting at a public sale of land for taxes, and conveyed to him by Thomas C. Lewis, collector of taxes, by deed bearing date the fourteenth day of October, eighteen hundred and ten, of record in the office of the parish judge of this parish, in Liber B, folio 44, bounded as follows, to wit: Commencing at a red oak marked D, the beginning corner of the before mentioned fifty thousand arpents; thence running north 52 east, three miles, to the river Aux Beef; thence with a line at right angles about one mile; thence with a line parallel to the first line three miles; thence with a line parallel to the second about one mile, to the beginning, so as to include two thousand arpents; to have and to hold the said tract or parcel of land unto them, the said Nathan Morse and R. R. Goelet aforesaid, to their only proper use and behoof forever.

And the said Andrew Latting, for himself, his heirs, or assigns, doth covenant and agree, to and with the said Nathan Morse and R. R. Goelet, their heirs and assigns, that the premises hereby bargained, sold, conveyed, and confirmed now are, and forever shall be, free of all incumbrance done or suffered to be done by or through him, the said Andrew Latting, his heirs or assigns; and the said Andrew Latting, for himself, his heirs and assigns, the premises hereby conveyed unto them, the said Nathan Morse and R. R. Goelet, their heirs or assigns, against the claim or claims of all and every person or persons whatsoever, will warrant and forever defend by these presents.

In testimony whereof the said Andrew Latting has signed, passed, and acknowledged the foregoing conveyance of land to be his voluntary act and deed, and Thomas Patten, attorney for Nathan Morse, hereby accepting before Oliver J. Morgan, the aforesaid parish judge, and George Hook and Allen Collins, witnesses, who have, together with me, the said parish judge, signed the present, and hereof I have affixed my seal of office the day and date above written.

ANDREW LATTING.

Accepted:

THOS. PATTEN,
Attorney in fact for N. Morse.

GEO. HOOK,
ALLEN COLLINS.

OLIVER J. MORGAN, *Parish Judge.*

NEW ORLEANS, 2 *June*, 1815.

I hereby authorize and empower Mr. Thomas Patten to act as my general agent in the sale, exchange, or settlement of a claim which I hold against Andrew Latting, of Ouachita, and to perform all such acts in relation to the same as he may think most expedient.

NATHAN MORSE,
For himself and attorney for R. R. Goelet.

Received from Andrew Latting a deed for two thousand arpents of land of this same date to Nathan Morse, as attorney to R. R. Goelet, in full, for a judgment of 577\frac{4}{100}$ obtained against him by said Goelet.

THOS. PATTEN,
Attorney in fact for Nathan Morse.
GEORGE HOOK.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my official seal this 28th day of February, A. D. 1846.

[L. S.]

T. C. SCARBOROUGH,
Parish Judge.

Document marked O.

Know all men by these presents, that I, Nathan Morse, of the city of New Orleans, as well in my own name and behalf as in the name of Robert R. Goelet, of the city of New York, and as his agent and attorney in fact, for and in consideration of the sum of one thousand and fifty dollars, to me paid by Thomas Lovell, of the city of New Orleans, in his two several promissory notes to the order of Joseph Lovell, and by him endorsed, and payable at one and two years from this date, have released and quit claimed, and by these presents do release, and forever quit claim, unto the said Thomas Lovell, and his heirs or assigns, all my right, title, and interest, and all the right, title, and interest of the said *of the* Robert R. Goelet, in and to a certain tract of land purchased of Andrew Latting, by deed bearing date on the 7th day of February, 1816, and duly recorded in the office of the judge of the parish of Ouachita, in Lib. D; the said [tract of land] containing two thousand arpents, situated in the parish of Ouachita, and being part of the grant known by the name of Baron de Bastrop's grant, and being part of a tract of land of fifty thousand arpents, purchased by said Latting at a public sale of land for taxes, and conveyed to him by Thomas C. Lewis, collector of taxes, by deed bearing date the 14th October, 1810, and recorded in the office of the parish judge of Ouachita, in Liber B, folio 44, bounded as follows, to wit: Commencing at a red oak marked D, the beginning corner of the before mentioned fifty thousand arpents; thence running north 52 east, three miles, to the river Aux Bœufs; thence with a line at right angles about one mile; thence with a line parallel to the first line three miles; thence with a line parallel to the second about one mile, to the beginning, so as to in-

cude two thousand arpents; to have and to hold the said tract or parcel of land unto the said Thomas Lovell, and to his heirs, and assigns, and to his and their benefit and behoof forever.

In testimony whereof the parties have hereunto set their hands and seals this fifteenth day of April, 1819.

NATHAN MORSE, [SEAL.]
ROBERT R. GOELET,
Pr. NATHAN MORSE, [SEAL.]

Sealed and delivered in presence of Charles Thomas, as witness.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[SEAL.] In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

T. C. SCARBOROUGH,
Parish Judge.

Document marked P.

Whereas, on the ninth day of March, in the year of our Lord one thousand eight hundred and twenty-five, Joseph Lovell, as attorney in fact of Mr. Thomas Lovell, of the city of New York, did make and execute, to and in favor of Stephen Girard, esq., of Philadelphia, a certain deed of sale, or conveyance, for a piece or parcel of land, situate, lying, and being in the parish of Ouachita, in the State of Louisiana, containing two thousand arpents, French measure, more or less; which said deed or conveyance was duly acknowledged and executed before Charles Pollock, esq., notary public in and for the city of New Orleans, in the State of Louisiana aforesaid: And whereas the same was done for good and valuable consideration, and in perfect good faith: And whereas I am willing and desirous to sanction and make good and valid, by my personal acknowledgment, such deed, or conveyance, or instrument: Now, therefore, know all men, that I hereby acknowledge and declare that the said Joseph Lovell acted in the premises as my attorney and agent, and for me, being on my account, and that I hereby fully recognise and pronounce as and for my own act and deed such deed or conveyance; that I fully assent and consent to the same, and declare that I am, in every respect, bound and obligated by the said conveyance, and every part thereof. And, in case any thing further should be necessary to complete or make valid the same, I do hereby expressly authorize and appoint the said Joseph Lovell my attorney, with full and entire power to do whatever may be necessary towards the same, with full power of substitution and revocation; hereby ratifying and confirming whatever has been done or may hereafter be done in the premises by my said attorney or his substitute.

In witness whereof I have hereunto set my hand and seal, this third day of October, in the year eighteen hundred and twenty-six.

(Signed) THOS. LOVELL.

Sealed and delivered in the presence of—
SAM'L G. RAYMOND.

In executing the above mentioned conveyance, Henry Bry acted as attorney in fact for Stephen Girard, esq.

UNITED STATES,
State of New York, city of New York, ss:

Be it remembered, that on this fifth day of October, in the year eighteen hundred and twenty-six, before me, Sam'l G. Raymond, a public notary in and for the State of New York, personally appeared Thomas Lovell, the constituent above named, to me known, and duly acknowledged the above instrument to be his free act and deed, for the uses and purposes therein mentioned.

In testimony whereof I have hereunto set my hand and affixed my seal of office, at New York, the day and year above written.

(Signed) SAM'L G. RAYMOND, [SEAL.]
Not. Public.

STATE OF NEW YORK,
City and county of New York, ss:

I, Nicholas Dean, clerk of the city and county of New York, do hereby certify, that Samuel G. Raymond, whose name is subscribed to the certificate of the proof or acknowledgment of the annexed indenture or instrument in writing, and thereon written, was, on the day of the date of the said certificate, a commissioner in and for the city and county aforesaid, dwelling in the said city, commissioned and sworn, and duly authorized by law to take the proof and acknowledgment of deed and discharges of mortgages, &c. And, further, that I am acquainted with the handwriting of the said commissioner, and verily believe that the signature of Sam'l G. Raymond, subscribed to the said certificate, is the proper handwriting of the said commissioner.

In testimony whereof I have hereunto set my hand and affixed the seal of the said county, the 6th day of October, 1826.

(Signed) N. DEAN.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed [SEAL.] my official seal this 28th day of February, A. D. 1846.

T. C. SCARBOROUGH,
Parish Judge.

Document marked Q.

On this day, the 12th of January, one thousand eight hundred and twenty-four, a family meeting presented themselves before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, for the purpose of taking into consideration the subject of the estate of Abraham Morehouse, late of the parish of Ouachita, deceased, composed of the following persons, to wit: Eleanor Hook, curatrix of Charles F. Morehouse; Ann M. Morehouse and Lucretia C. Morehouse, minor children of the said Morehouse; R. H. Sterling and his wife, Eliza Sterling;

Jno. M. A. Hamblin, Ferdinand Morgan, esq., Wm. Weathersbee, and Rob't C. Scott, curator ad litem to the above mentioned minors, relations and friends of the aforesaid minors, who, after having been duly qualified according to law, do recommend that it would be materially to the advantage of the above mentioned minors that their interest in a certain tract or parcel of land, situated in the parish of Ouachita aforesaid, in the State of Louisiana, the Bastrop grant, containing the quantity of thirty-two thousand arpents—the above mentioned minors being tenants in common with Eliza C. Sterling and the heirs of Sophia L. Breedlove, and being the same acquired by them by act of record in the office of the parish judge of the parish of Ouachita, and dated the 14th day of August, 1815—that it would be to their advantage to sell said land at twenty-five cents per arpent.

In testimony whereof, the parties have hereto subscribed their names, in the presence of the said parish judge and subscribing witnesses in the parish of Ouachita aforesaid, this day and date first mentioned.

ELEANOR HOOK,
Curatrix of the above mentioned three minors.
R. H. STERLING,
E. C. STERLING,
JOHN M. A. HAMBLIN,
ROBERT C. SCOTT,
Curator ad litem.
F. MORGAN,
WILLIAM WEATHERBEE,
OLIVER J. MORGAN,
Parish judge.

Witnesses,
H. Bry,
Nancy Bry.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In testimony whereof I have hereunto signed my name, and affixed my seal of office, this the 8th day of October, 1845.
[SEAL.]
T. C. SCARBOROUGH,
Parish judge.

Document marked R.

On this thirteenth day of January, in the year of our Lord one thousand eight hundred and twenty-four, before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, exercising the power, and performing the duties, of notary public in and for said parish, personally appeared Eleanor Hook, curatrix of her minor children, Charles F. Morehouse, Ann M. Morehouse, and Lucretia C. Morehouse, R. H. Sterling and his wife, Eliza C. Sterling, of the parish of Ouachita, and the heirs of Sophia L. Morehouse, represented by their attorney in fact, Ferdinand Morgan, esq., duly constituted by act of record in the office of the parish judge of the parish of Ouachita aforesaid, who acknowledged and declared, that whereas they are the joint

owners of a certain tract or parcel of land situated in the parish of Ouachita aforesaid, in that part of the Bastrop grant which fell to A. Morehouse's share, it being two parcels of land, containing together the quantity of thirty-two thousand arpents. The one parcel beginning at a stake on Madison township line, about one hundred and forty poles from the third mile tree on said line, it being the southwest corner of A. Y. Morehouse's land; thence with said township line north 33° west, 1,500 French poles, to a stake near the eight mile tree on said line, it being the southeast corner of George Y. Morehouse's tract; thence north 52° east, 1,600 French poles, to a stake, the northeast of said G. Y. Morehouse's tract; thence south 33° east, 1,500 French poles, to the northwest corner of A. Y. Morehouse's tract; thence south 52° west, with the line of A. Y. Morehouse, 1,600 French poles, to the beginning, containing twenty-four thousand arpents.

The second parcel of said land, beginning at the northwest corner of G. Y. Morehouse's land; thence north 33° west, 593 $\frac{9}{10}$ French poles, to a stake; thence south 52° west, 1,600 French poles, to Madison township line; thence south 33° east, with said line 68 poles, to Keen's survey; thence north 54° east, with Keen's line 295 poles, to a stake; thence south 36° east, 489 poles, to G. Y. Morehouse northwest line; thence north 52° east, 1,283 poles, to the beginning, containing the quantity of eight thousand; all of which will more fully appear by a plat of survey hereto annexed; and whereas, there being minors interested in this act, a family meeting having been called, composed of the relations and friends of said minors, according to law, and they recommended that it would be to their interest to sell their interest in said land: Now, therefore, the parties to this instrument, for and in consideration of the sum of eight thousand dollars [to] them in hand paid by Stephen Girard, of the city of Philadelphia, the receipt whereof is hereby acknowledged, they hereby renouncing the plea of non numerata pecunia, they have bargained, sold, transferred, and delivered, and by these presents do bargain, sell, alienate, transfer, set over, and confirm, unto the said Stephen Girard, his heirs and assigns, forever, all the above described lands, together with all the rights, privileges, and appurtenances thereto belonging, or in anywise appertaining. And the said vendors do covenant and agree, to and with the said Girard, that they will warrant and defend the above described premises herein sold against the claim or claims of themselves, their heirs, and those claiming by, from, or under them, and against the claim of all persons whatsoever, except the United States. The above described lands are part of fifty thousand arpents purchased by Andrew Latting from the collector of taxes at public sale on the 14th of October, 1810, and sold by the said Latting to the parties to this instrument, by act of record in the office of the parish judge of the parish of Ouachita, and dated the 14th day of August, 1815.

In testimony whereof the said E. Hook, as curatrix as aforesaid, R. H. Sterling and his wife, and the said Ferdinand Morgan, attorney in fact as aforesaid, and the said Girard, represented by his attorney in

fact, H. Bry, esq., who is here present and accepting, have hereto subscribed their names, this day and date first above written.

ELEANOR HOOK,
Curatrix of the above named minors.
R. H. STERLING,
E. C. STERLING.

Accepted for St. Girard, esq.

H. BRY,
Acting by virtue of the authorization given him by St. Girard, esq's. letter, dated 27th Nov'r, 1823.

Witnesses:
ROBERT C. SCOTT,
WM. WEATHERSBEE.

OLIVER J. MORGAN,
Parish Judge.

STATE OF LOUISIANA,
Parish of Ouachita, sct:

I, Oliver J. Morgan, parish judge, in and for the aforesaid State and parish, do certify, that the foregoing is a true copy made out from the original deed of conveyance, which is on file and of record in my office.

Given under my hand and seal of office, this the 20th day of April, in the year eighteen hundred and twenty-four.

[SEAL.]

OLIVER J. MORGAN,
Parish Judge.

Document marked S.

A.—Know all men by these presents, that I, Abbigail Morehouse, of Johnston, in the State of New York, widow of Abraham Morehouse, and mother of Andrew Y. Morehouse, both of Louisiana, deceased, do by these presents constitute and appoint my well beloved son, George Y. Morehouse, now of Mount Holly, in the State of New Jersey, minister of St. Andrew's church there, my true and lawful attorney in fact, for me and to my use, to ask, demand, recover, and take possession of all estate, real and personal, which do of right belong to me, or coming or descending in any manner of ways to me from my said husband or son Andrew, situated or being any where in said territories or State of Louisiana; and the said estates to manage and dispose of to and for my use and benefit, as under circumstances he, my said attorney, shall deem most fit and prudent, and attorney or attorneys under him for those purposes to make and constitute; giving to him and them hereby also full powers to employ counsel at law and agents, &c., to settle and compound, and pay off and adjust, all debts and incumbrances, and acquittances, releases and conveyances; to make and execute, and generally to act and do in the premises all that I might lawfully do in the premises, the same being for my use, in the proportion I may own in the same, and so as that I may not be made personally liable to any loss or damage by such act or acts of my said attorney or attorneys.

In witness whereof I have hereto set my hand and seal, this second day of April, A. D. 1816.

(Signed) ABIGAIL MOREHOUSE. [SEAL.]

In presence of—
ANDREW MITCHELL,
MARY HOSACK.

[SEAL.] STATE OF NEW YORK,
Montgomery county, ss:

Be it remembered, that on the second day of April, in the year of our Lord one thousand eight hundred and sixteen, personally appeared before me, Robert Mitchell, a public notary, in and for the said county, Andrew Mitchell, one of the subscribing witnesses to the execution of the within power of attorney, to me well known, who being duly sworn on the holy evangelists of Almighty God, doth depose and say, that he saw Abigail Morehouse, to him well known as the same person described in, and intended as the grantor of, and to the same power of attorney, duly execute the same to and for the uses and purposes therein mentioned; and that he, this deponent, together with Mary Hosack, the other subscribing witness, did sign their names thereto as subscribing witnesses thereof; all which is to me satisfactory evidence of the facts so deposed and sworn to.

In testimony whereof I have caused the notarial seal to be hereunto affixed, and subscribed the same with my hand at Johnston, in the said county and State, the day and year above mentioned.

(Signed) ROBERT MITCHELL,
Public Notary.

By De Witt Clinton, Governor of the State of New York, in the United States of America.

It is hereby certified, that the within named Robert Mitchell, before whom the power of attorney from Abigail Morehouse to George Y. Morehouse was proved, was, on the day of the date of said proof, a public notary, in and for the said State of New York, duly commissioned and sworn, and residing in the county of Montgomery in said State, and that full faith and credit may and ought to be given to his official acts.

In testimony whereof I have caused the great seal of the said State to be hereunto affixed. Done at the city of Albany, the eighth [SEAL.] day of February, in the year one thousand eight hundred and twenty-two.

(Signed) DE WITT CLINTON.
By order of his excellency: ARCH. CAMPBELL.
Deputy Secretary.

Recorded in the office for recording deeds, &c, for the city and county of Philadelphia, in letter of attorney book M. R., No. 2, page 482.

Witness my hand and seal of office, the 22d day of February, 1822.
[SEAL.]

JOHN HARRISON, *Recorder.*

I, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, do certify the original power of attorney, of which the within appears to be a true copy, was duly recorded in my office in December, 1816.

In testimony whereof I have hereunto signed my name and affixed my seal of office, this 21st day of January, 1823.

[SEAL.]

(Signed) OLIVER J. MORGAN,
Parish Judge.

UNITED STATES OF AMERICA:

Be it known, that on this fourteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, I, Clement C. Biddle, esquire, notary public for the Commonwealth of Pennsylvania, duly commissioned, and by law authorized, residing in the city of Philadelphia, do hereby certify and attest, that the annexed instrument of writing, marked with the letter A, is a true, faithful, and exact copy of a certain original letter of attorney, with the several certificates subjoined thereto, of which it purports to be a copy, bearing date the second day of April, A. D. 1816, from Abigail Morehouse, of Johnston, in the State of New York, widow of Abraham Morehouse, and mother of Andrew Morehouse, both of Louisiana, deceased, to her son George Y. Morehouse, of Mount Holly, in the State of New Jersey, minister of St. Andrew's church, for the uses and purposes therein mentioned, this day produced to me, fair and uncancelled, by Stephen Girard, esquire, of the said city of Philadelphia; the said annexed instrument of writing having been by me, the said notary public, carefully compared and examined with the said original letter of attorney, and certificates subjoined thereto, from beginning to end.

In testimony whereof I, the said notary public, have hereunto set my hand and affixed my notarial seal of office, the day and year first above written.

[L. S.]

CLEMENT C. BIDDLE, *Not. Pub.*

PENNSYLVANIA, *ss:*

In the name and by the authority of the Commonwealth of Pennsylvania.

(Signed) J. ANDW. SHULZE.

J. Andrew Shulze, governor of the said commonwealth, to all to whom these presents shall come, sends greeting:

Know ye, that Clement C. Biddle, esquire, whose name is subscribed to the instrument of writing hereunto annexed, was, at the time of subscribing the same, and now is, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, in the said commonwealth, duly appointed and commissioned, and full faith and credit ought to be given to his official acts accordingly.

Given under my hand and the great seal of the State, at Harrisburg, this sixteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, and of the commonwealth the forty-ninth.

[L. S.]

By the governor: JAMES TRIMBLE, *Deputy Sec.*

Document marked T.

A.—This indenture, made this ninth day of April, in the year of our Lord eighteen hundred and sixteen, between George Y. Morehouse, of Mount Holly, in the State of New Jersey, minister of St. Andrew's church, and Abigail Morehouse, of Johnson, in the State of New York, of the first part, and William Griffith, esq., of the city of Burlington, in the State of New Jersey, of the second part: Whereas the said George Y. Morehouse and his mother, the said Abigail Morehouse, widow of Abraham Morehouse, deceased, by virtue of conveyances, devises, descents, or in other lawful manner, are entitled to divers lands and tenements, and real and personal estates, by, from, or under the said Abraham Morehouse and Andrew Y. Morehouse, son of said Abraham Morehouse and Abigail aforesaid, and brother to the said George Y. Morehouse, situate, lying, and being [in] Ouachita, or in other parts and places in the State or territories of Louisiana, as by reference to the proofs of their rights, titles, and possessions may appear; and whereas, in his own right, and by virtue of a power of attorney from the said Abigail, his mother, parties of the first part, to place the said estate, real and personal, and all claims and demands concerning them, under the management and direction of the said William Griffith, party of the second part; and the more effectually to guard against the consequences of death, revocations of attorney, or other accidents, to convey to the said party of the second part all the said premises, so that good titles, conveyances, settlements, releases, acquittances, and other lawful acts may be performed by the said party of the second part, for their use, according to their respective rights and interest. Now, this indenture witnesseth, that the said George Y. Morehouse, in his own right, and the said Abigail, by him as her attorney in fact aforesaid, parties of the first part, for the considerations aforesaid, and for one dollar to them in hand paid by the said party of the second part, have granted, conveyed, and assigned, and, by these presents, do grant, convey, and assign, unto the said William Griffith, party of the second part, all and singular the lands, tenements, hereditaments, and real and personal estates aforesaid of them, the said parties of the first part, or either of them, situate in the State or territories of Louisiana aforesaid; to have and to hold the same unto the said William Griffith, his heirs and assigns, forever. But this conveyance is upon this special trust and confidence, that the said William Griffith, his heirs and assigns, may be enabled to obtain, recover, and manage and settle the interests, estates, and concerns of the said parties of the first part, or either of them, in the premises aforesaid, according to the best of his judgment and ability, to and for their use and benefit respectively, according to their several proportions in the same; and further, that the said party of the second part may, if necessary, or in his judgment most for the benefit of the said parties of the first part, by himself or attorney under him duly constituted, sell and convey the said premises, or any part thereof, to and for the use of the said parties of the first part, according to their several

interests and estates, on such terms, price, credit, and security as the said party of the second part may deem just and prudent; always being accountable, nevertheless, to the said parties of the first part for the moneys, securities, lands, and estates which may come to his hands or possession to be disposed of for them, or either of them, as aforesaid, deducting and retaining only out of the same the proportion agreed upon to be allowed unto the said William Griffith, his heirs, executors, administrators, and assigns: Provided, that, in the execution of this trust, the said William Griffith, his agents, executors, administrators, or assigns, acting faithfully, according to the best of his or their ability and judgment, are in no wise to be answerable for losses or damages to the said parties of the first part, their heirs, executors, administrators, or assigns; and the said parties of the first part do, also, by these presents, make and constitute the said William Griffith their several and joint attorney in fact, in their or either of their names or his own, but to and for their use and benefit, to ask, demand, sue for, and recover and receive, all debts, dues, and demands which they or either of them may be entitled to in the State or territories of Louisiana aforesaid, and receipts, and acquittances, and releases to give, agents and attorneys under him to make and appoint, hereby giving to him full power to act in our behalf, and ratifying whatsoever he shall lawfully do in the premises.

Witness our hands and seals the day and year aforesaid.

(Signed) GEORGE Y. MOREHOUSE, [SEAL.]
(Signed) ABIGAIL MOREHOUSE,
By her attorney in fact, GEORGE Y. MOREHOUSE. [SEAL.]

Sealed and delivered in the presence of—
(Signed) CHARLES H. WARTON,
MARY GRIFFITH.

On this fifteenth day of July, in the year of our Lord one thousand eight hundred and sixteen, before me, Clement C. Biddle, esq., notary public for the Commonwealth of Pennsylvania, duly commissioned and appointed, residing in the city of Philadelphia, personally came George Y. Morehouse, named in the annexed deed and trust, and letter of attorney, and acknowledged the same to be his act and deed, and the act and deed of Abigail Morehouse, as her attorney in fact.

In faith and testimony whereof I, the said notary, have hereunto set my hand and affixed my notarial seal of office the day and year above written. [SEAL.]

(Signed) CLEMENT C. BIDDLE, *Not. pub.*

Recorded the within deed of trust and the annexed certificate in the office for recording of deeds, &c. for the city and county of Philadelphia, in deed book J. H., No. 3, page 55, &c.

Witness my hand and seal of office the 22d day of February, 1822. [SEAL.]

(Signed) JOHN HARRISON, *Recorder.*

I, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, do hereby certify, that the original deed of

trust, of which the within appears to be a true copy, was duly recorded in my office in December, 1816.

[SEAL.] In testimony whereof I have hereunto signed my name and affixed my seal of office this 21st January, 1823.

(Signed) OLIVER J. MORGAN, *Parish judge.*

UNITED STATES OF AMERICA:

Be it known, that on this fourteenth day of December, in the year of our Lord one thousand eight hundred and twenty-four, I, Clement C. Biddle, esquire, notary public for the Commonwealth of Pennsylvania, duly commissioned and by law authorized, residing in the city of Philadelphia, do hereby certify and attest, that the annexed instrument of writing, marked with the letter A, is a true, faithful, and exact copy of a certain original deed of trust, with the several certificates subjoined thereto, of which it purports to be a copy, the said deed of trust bearing date the ninth day of April, in the year of our Lord eighteen hundred and sixteen, between George Y. Morehouse, of Mount Holly, in the State of New Jersey, minister of St. Andrew's church, and Abigail Morehouse, of Johnson, in the State of New York, of the first part, and William Griffith, esqr., of the city of Burlington, in the State of New Jersey, of the second part; and, on the fifteenth day of July, in the year of our Lord one thousand eight hundred and sixteen, acknowledged in due form of law before me, the said notary public, by the said George Y. Morehouse, the person named in the same deed of trust, to be his act and deed, and the act and deed of Abigail Morehouse, as her attorney in fact, as appears by my notarial certificate thereto, this day produced to me fair and uncancelled by Stephen Girard, esquire, of the said city of Philadelphia; the said annexed instrument of writing having been by me, the said notary public, carefully compared and examined with the said original deed of trust and certificates subjoined thereto, from beginning to end.

In testimony whereof I, the said notary public, have hereunto set [SEAL.] my hand and affixed my notarial seal of office the day and year first above written.

CLEMENT C. BIDDLE, *Not. pub.*

PENNSYLVANIA, *ss:*

In the name and by the authority of the Commonwealth of Pennsylvania.

(Signed) J. ANDW. SHULZE.

J. Andrew Shulze, governor of the said commonwealth, to all to whom these presents shall come, sends greeting:

Know ye, that Clement C. Biddle, esquire, whose name is subscribed to the instrument of writing hereunto annexed, was at the time of subscribing the same, and now is, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, in the said commonwealth, duly appointed and commissioned, and full faith and credit ought to be given to his official acts accordingly.

Given under my hand and the great seal of the State, at Harrisburg, this sixteenth day of December, in the year of our Lord one
[SEAL.] thousand eight hundred and twenty-four, and of the Commonwealth the forty-ninth.

By the governor: JAMES TRIMBLE,
Deputy secretary.

Document marked U.

This indenture, made this twenty-ninth day of January, in the year of our Lord one thousand eight hundred and twenty-two, (1822,) between William Griffith, of the city of Burlington, and State of New Jersey, counsellor at law, of the first part, and Stephen Girard, James Lyle, and Robert E. Griffith, all of the city of Philadelphia, and State of Pennsylvania, merchants, of the second part. Whereas Abraham Morehouse, husband of Abigail Morehouse and father of Andrew Y. Morehouse and George Y. Morehouse hereinafter mentioned, in his lifetime became seized in severalty in fee of and in a certain great tract of land lying on the Ouachita river and its branches, in the State of Louisiana, containing about four hundred and twenty-six thousand arpens or French acres, (being parcel of a certain patent or grant of land to the Baron de Bastrop, called Bastrop's patent, containing as is said twelve leagues square,) as by the several agreements, conveyances, partitions, and surveys, under which the said Abraham Morehouse was entitled and seized, (for more certainty of description of the said premises reference being thereunto had,) may appear. And whereas the said Abraham Morehouse died intestate, in the said State of Louisiana, in or about the year one thousand eight hundred and fourteen, (1814,) leaving the said Abigail Morehouse, Andrew Y. Morehouse, and George Y. Morehouse, his only representatives and heirs at law, who thereby became entitled, by descent and representatives, to all the right of the said Abraham in the said great tract of land at his decease; as also to all contracts for the sale of any part or portion of the same. And whereas the said Andrew Y. Morehouse, one of the heirs and representatives of the said Abraham Morehouse as aforesaid, afterwards, viz., in or about the year one thousand eight hundred and fifteen, (1815,) died, in the said State of Louisiana, without issue, unmarried and intestate, leaving the said Abigail Morehouse, his mother, and the said George Y. Morehouse, his brother, surviving, his only representatives and heirs at law; whereby the said Abigail and George became entitled to all the right and interest of the said Andrew Y. Morehouse in the said great tract of land, at his decease, descended to him from his father, Abraham Morehouse, as aforesaid; as also to all said Andrew's right in contracts concerning the sale of any parts thereof.

And whereas the said Abigail Morehouse and George Y. Morehouse, on or about the ninth day of April, one thousand eight hundred and sixteen, (1816,) being so entitled, seized, and possessed, did, by deed duly executed, recorded and filed in the proper office in the parish of Ouachita, in the State of Louisiana, well, sufficiently, and absolutely

the said Stephen Girard, James Lyle, and Robert E. Griffith, parties hereto of the second part, their heirs, executors, administrators, and assigns, that he hath full right, absolute power, and lawful authority to bargain, sell, convey, assign, and set over all and singular the said premises, real and personal, in manner aforesaid; and further, that he, his heirs, executors, and administrators, shall and will, at all times hereafter, on reasonable application and notice, make, execute, and deliver, in due form of law, unto the said Stephen Girard, James Lyle, and Robert E. Griffith, parties hereto of the second part, their heirs, executors, administrators, and assigns, all such other and further assurance or assurances, deed or deeds, instrument or instruments, in the law, as may be necessary and proper for the more perfect conveying, assigning, or transferring of the right and interest in the land and contracts so as aforesaid conveyed and assigned, or any parcel or part thereof, as the same shall be by counsel learned in the law reasonably devised for that purpose, and at the expense of the said Stephen Girard, James Lyle, and Robert E. Griffith, parties hereto of the second part, as aforesaid, their heirs, executors, administrators, or assigns. And further, that he, the said William Griffith, his heirs, executors, and administrators, shall and will deliver to the said parties of the second part, their heirs, executors, administrators, and assigns, all deeds, documents, maps, plats, surveys, monuments, and papers whatsoever affecting, respecting, or relating to the title of the premises hereby conveyed or assigned, which are or may be in the possession or power of the said William Griffith, his heirs, executors, or administrators.

In witness whereof the said William Griffith, party of the first part, hath hereunto set his hand and seal the day and year first aforesaid.

WM. GRIFFITH. [SEAL.]

Sealed and delivered in the presence of—
THOS. ADAMS,
JAMES BATTEN.

Received the full consideration moneys in the above deed of indenture mentioned.

WM. GRIFFITH.

Witness at signing—JAMES BATTEN.

Whereas, by the death of Abraham Morehouse, (as in the within deed of conveyance and assignment from William Griffith unto Stephen Girard, James Lyle, and Robert E. Griffith is recited,) all his right in the said real estate, and contracts for the sale of any parts thereof, (also therein recited,) vested in Andrew Y. Morehouse, George Y. Morehouse, and Abigail Morehouse, (also within mentioned,) and by the death of the said Andrew Y. Morehouse all his right and interest in said real estate and contracts for the sale of any part thereof, so as aforesaid descending and coming to him as one of the heirs and representatives of the said Abraham, did vest in the said George Y. Morehouse and Abigail Morehouse; and whereas the said William Griffith, the

grantor and assignor within named, was, by deed of conveyance and assigument made on or about the ninth day of April, one thousand eight hundred and sixteen, (1816,) duly executed by the said George Y. Morehouse, for himself and as attorney in fact for the said Abigail Morehouse, within mentioned, fully vested with the right, and had full power to sell and convey the said right and interest of the said George Y. Morehouse and Abigail Morehouse, as the same is within conveyed and assigned by him unto the said Stephen Girard, James Lyle, and Robert E. Griffith, their heirs, executors, administrators, and assigns; but whereas, nevertheless, the said grantees within named have, for their more perfect satisfaction and assurance, requested a confirmation of the conveyance and assignment of the said William Griffith, as within contained, from said George Y. Morehouse and Abigail Morehouse: Now, in consideration of said request, and the moneys paid or to be paid by them to the said William Griffith, as also for and in consideration of one dollar to us in hand paid, we, the said George Y. Morehouse and Abigail Morehouse, do by these presents fully grant, bargain, sell, convey, assign, and confirm, unto the said Stephen Girard James Lyle, and Robert E. Griffith, their heirs, executors, administrators, and assigns, all and singular the right, interest, and estate in the said great tract of land and contracts descending and coming to us, the said George and Abigail, as the same is and are described in the within deed of conveyance from the said William Griffith to the said Stephen Girard, James Lyle, and Robert E. Griffith, as by reference to the same for more certainty may appear, (and to be taken for that purpose as part and parcel of this present conveyance, assignment, and confirmation, and as if recited at large herein;) to have and to hold all and singular the right, and interest, and estate of us, the said George and Abigail, in the said great tract of land, and contracts aforesaid, (as is referred to, and described in the within deed,) unto the said Stephen Girard, James Lyle, and Robert E. Griffith, their heirs, executors, administrators, and assigns, in the same proportions, and in manner and form, as in the within conveyance is granted and assigned to them by the said William Griffith, to the only proper use, benefit, and behoof of the said Stephen Girard, James Lyle, and Robert E. Griffith, their heirs, executors, administrators, and assigns, as tenants in common and not as joint tenants; we, the said George Y. Morehouse and Abigail Morehouse, by these presents further in all things confirming unto the said Stephen, James, and Robert, their heirs, executors, administrators, and assigns, all our right and interest in the within granted and assigned real and personal estates, in manner and form, and to the same extent, and subject to the like exceptions and limitations, as the same is conveyed and assigned unto them by the said William Griffith, in the said within deed of conveyance and assignment in all things. In witness whereof the said George Y. Morehouse, for himself and the said Abigail Morehouse, (by the said George Y. Morehouse, her attorney in fact duly

constituted,) have hereunto set their hands and seals, this twenty-ninth day of January, one thousand eight hundred and twenty-two, (1822.)

GEORGE Y. MOREHOUSE, [SEAL.]
ABIGAIL MOREHOUSE,
By her attorney in fact GEORGE Y. MOREHOUSE. [SEAL.]

Sealed and delivered in the presence of—
SAML. I. READ,
JAMES BATTEN.

STATE OF NEW JERSEY, *Burlington county, ss:*

Be it remembered, that on the twenty-ninth day of January, one thousand eight hundred and twenty-two, (1822,) personally appeared before Thomas Adams, esq., public notary in and for the State of New Jersey, as also one of the judges of the superior court of common pleas in and for the said county of Burlington, and a justice of the peace within the same, William Griffith, esq., the grantor in the within deed of conveyance and assignment named, and a person to me well known, and did acknowledge that he signed, sealed, and executed the same as his voluntary act and deed, to and for the uses and purposes therein mentioned; also, at the same time personally appeared before me, notary public, judge, and justice as aforesaid, James Batten, one of the witnesses to the above instrument, purporting to be a deed of conveyance, assignment, and confirmation, from George Y. Morehouse and Abigail Morehouse, being also to me well known, and being duly sworn, doth depose and say, that he saw the said George Y. Morehouse sign, seal, and execute the same, for himself and the said Abigail Morehouse, as her attorney in fact, as his voluntary act and deed, for the uses and purposes therein mentioned; and that he, this deponent, together with Samuel I. Read, the other subscribing witness, did sign their names thereto as subscribing witness thereof; all of which is to me satisfactory evidence of the facts so sworn to.

In testimony of all which I have caused my notarial seal to be hereunto affixed, and subscribed the same with my hand at the [SEAL.] city of Burlington, in the county and State aforesaid, the day and year first above written.

THOS. ADAMS, *N. P.*

Witnesses present—
JAMES BATTEN,
JAS. N. NEWLINGS.

SECRETARY'S OFFICE, TRENTON, N. J.,
February 4th, A. D. 1822.

I, Daniel Coleman, secretary of the State of New Jersey, do certify, that Thomas Adams, esq., the person before whom the annexed instruments of conveyance, assignment, and confirmation were acknowledged and proved was, at the time of the doing thereof, and now is, a judge of the court of common pleas and justice of the peace in and for the county of Burlington, in said State, and also a notary public in said coun-

ty, duly appointed and commissioned, and that full faith and credit ought to be given to his official acts accordingly.

[L. S.] Given under my hand and seal of office the day and year aforesaid. DANIEL COLEMAN.

STATE OF NEW JERSEY.

I, Isaac N. Williamson, governor of the State of New Jersey, to all to whom these presents shall come, send greeting:

Know ye, that Daniel Coleman, who has subscribed the certificate, that Thomas Adams, esq., is one of the judges of the court of common pleas, and a justice of the peace in and for the county of Burlington, in said State, and also a notary public in said county, was, at the time of subscribing said certificate, and now is, the secretary of the State of New Jersey, duly appointed and commissioned, and that full faith and credit are due, and ought to be given, to his official acts accordingly.

Given under my hand and the great seal of the State at Trenton, this fourth day of February, in the year of our Lord eighteen [SEAL.] hundred and twenty-two.

ISAAC WILLIAMSON.

By the governor:

DANIEL COLEMAN,
Secretary.

Document marked V.

This indenture, made this twenty-third day of January, in the year of our Lord one thousand eight hundred and twenty-four, between William Griffith, of the city of Burlington, and State of New Jersey, and Richard S. Coxe, of Georgetown, in the District of Columbia, esquires, of the first part, and Stephen Girard, James Lyle, and Robert E. Griffith, all of the city of Philadelphia, and State of Pennsylvania, of the second part: Whereas the above named William Griffith, (one of the parties aforesaid,) by virtue of two certain deeds of conveyance from the Revd. George Y. Morehouse and Abigail Morehouse, (the first whereof is dated on or about the 9th of April, 1816, and the second on or about the 29th of December, 1821,) became seized in fee simple of and in ten thousand acres of land lying in the parish of Ouachita, in the State of Louisiana, within the great tract called Bastrop's patent, and parcel of the lands therein, which descended to them, the said George and Abigail, as heirs of Abraham Morehouse and Andrew Y. Morehouse, deceased, which said ten thousand acres was to be selected by the said William Griffith, or his agent, as by the said deeds of conveyance, or the records thereof in the office of the parish aforesaid, reference thereunto being had for more certainty, may appear.

And whereas the said William Griffith afterwards, viz., on or about the 29th of January, 1822, as the trustee of the said Revd. George Y. Morehouse and Abigail Morehouse, did, among other things, convey unto the aforesaid Stephen Girard, James Lyle, and Robert E. Griffith,

of Philadelphia, all the right of them, the said George Y. Morehouse and Abigail Morehouse, lying within the said Bastrop's patent, which had descended to them as aforesaid, excepting thereout the said ten thousand acres, to be selected by the said William Griffith, or his agent, as by reference to the said deed, or the record thereof in the office of the parish of Ouachita, reference thereunto for more certainty being had, may appear.

And whereas the said William Griffith afterwards, viz., on or about the month of February, 1822, did convey unto Richard S. Coxe, esq., party also hereto of the first part, one equal undivided moiety of the said ten thousand acres, so as aforesaid conveyed and reserved to the said William Griffith, as by reference to the said deed, or the record of the same in the office of the parish of Ouachita, reference to the same for more certainty being had, may appear; by reason of which said several conveyances, the said parties of the first part are vested as tenants in common in fee of all the said ten thousand acres, so as aforesaid conveyed to the said William Griffith by the said George Y. Morehouse and Abigail Morehouse, and excepted and reserved to him in his deed to the said Stephen Girard, James Lyle, and Robert E. Griffith, as aforesaid.

And whereas the said Stephen Girard, James Lyle, and Robert E. Griffith, parties hereto of the second part, have agreed to purchase of the said parties of the first part the said ten thousand acres so conveyed, reserved to, and invested in, them as aforesaid in the proportions between them as follows, viz: Five thousand acres thereof to be vested in Stephen Girard, three thousand acres in James Lyle, and two thousand acres in Robert E. Griffith, and their heirs and assigns, as tenants in common in the said proportions. Now, this indenture witnesseth, that the said William Griffith and Richard S. Coxe, parties thereto of the first part, for and by reason of the agreement aforesaid, and for the sum of two thousand five hundred dollars, well and truly paid, or secured to be paid, to them by the said Stephen Girard, James Lyle, and Robert E. Griffith, parties hereto of the second part, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey, unto the said Stephen Girard, James Lyle, and Robert E. Griffith, parties of the second part, their heirs and assigns, all and singular the said ten thousand acres of land so as aforesaid vested in them, and as the same hath been selected within the great tract aforesaid, by Henry Bry, esquire, of Ouachita, heretofore appointed by the said William Griffith for that purpose, or as the same may be selected out of the said great tract by the said Henry Bry, or by any other person or lawful authority whatsoever, and according to the particular boundaries of the same, as they have been, or hereafter may be, run out by the said Henry Bry, esquire, or by any other person authorized for that purpose by the said parties hereto of the second part, their heirs or assigns; and all the right, title, interest, and estate whatsoever of them, the said William Griffith and Richard S. Coxe, or either of them, in law or equity, to the same and every part thereof: To have and to hold the said premises, so as aforesaid granted unto the said

Stephen Girard, James Lyle, and Robert E. Griffith, parties of the second part, their heirs and assigns, (in the proportions between them as before recited,) to the only proper use, benefit, and behoof of the said Stephen Girard, James Lyle, and Robert E. Griffith, parties of the second part, their heirs and assigns forever, as tenants in common in the proportions between them as aforesaid, and not as joint tenants. And the said William Griffith and Richard S. Coxe, parties hereto of the first part, do, for themselves and their heirs, executors, and administrators, jointly and severally, covenant and agree, with the said Stephen Girard, James Lyle, and Robert E. Griffith, parties hereto of the second part, their heirs, executors, administrators, and assigns, respectively, that the said ten thousand acres, so as aforesaid conveyed by these presents have not been, nor hath any part of the same been, at any time or in any wise, conveyed, aliened, charged or encumbered by them, or either of them, or by any person or persons lawfully claiming by, from, or under them, or either of them, but at the ensealing of these presents remain free and clear of any such alienation, charge, or incumbrance by them, or either of them, or any person or persons claiming by, from, or under them as aforesaid. And the said parties of the first part do covenant for themselves, their heirs and assigns, respectively, with the said parties of the second part, their heirs and assigns, respectively, that they and their said heirs and assigns shall and will hereafter well and truly make, execute, and perform all such other conveyance and assurance in the law, or other act or thing for the more perfect granting and conveying the premises aforesaid unto the said parties of the second part, their heirs and assigns, as shall be necessary or reasonable to be done, executed, and performed on their parts for the better assuring of the estate in the premises hereby conveyed, or intended so to be; and, further, will deliver over to the said parties of the second part all title deeds, documents, and papers whatsoever which they, or either of them, possess in relation to the said premises hereby granted, and will give unto the said parties of the second part any information which may be requested concerning the same, and in their power to give.

In witness of which the parties hereto of the first part have hereunto set their hands and seals, the day and year first aforesaid.

WM. GRIFFITH, [L. S.]
RICHARD S. COXE. [L. S.]

The said Richard S. Coxe executing the same by the said Wm. Griffith, as his attorney in fact, by virtue of a power dated November 7th, 1823.

Sealed and delivered in the presence of—
THOMAS ADAMS,
MARGARET B. MCKAY.

STATE OF NEW JERSEY, *Burlington county, ss:*

Personally appeared before me, Thomas Adams, esq., a public notary in the said county, William Griffith, esq., named in the foregoing

deed, to me well known, and did acknowledge that he sighed, sealed, and delivered the said indenture in his own right, as his voluntary act and deed, and that he executed the same as attorney in fact for, and as the act and deed of, the said Richard S. Coxe, esquire, for the uses and purposes therein mentioned.

In testimony whereof I have caused my notarial seal to be hereunto affixed, and subscribed the same with my hand, in the city of
[SEAL.] Burlington, in the county aforesaid, this twenty-third day of January, eighteen hundred and twenty-four. 1824.

THOMAS ADAMS, *N. P.*

Witness present:
ANN ADAMS,
MARGARET B. MCKAY.

STATE OF NEW JERSEY.

SECRETARY'S OFFICE,
Trenton, January 23d, 1824.

I, Daniel Coleman, secretary of the State of New Jersey, do certify, that Thomas Adams, esq., before whom the annexed instrument was acknowledged, is a notary public in and for the county of Burlington, in said State, duly appointed and commissioned, and full faith and credit may and ought to be given to his official acts accordingly.

[SEAL.] Given under my hand and seal of office, at Trenton, the day and year above written.

DAN'L COLEMAN.

STATE OF NEW JERSEY.

Isaac H. Williamson, governor of the State of New Jersey, to all to whom these presents shall come, sends greeting:

Know ye, that Daniel Coleman, who has subscribed the foregoing certificate, is secretary of the State of New Jersey, duly appointed and commissioned, and full faith and credit may and ought to be given to his official acts accordingly.

In testimony whereof the great seal of the State is hereunto affixed. Witness Isaac H. Williamson, governor of the State of New Jersey,
[SEAL.] at the city of Trenton, this twenty-third day of January, one thousand eight hundred and twenty-four.

ISAAC H. WILLIAMSON.

By the governor: DANIEL COLEMAN, *Sec'y.*

Recorded in the office for recording of deeds, &c., for the city and county of Philadelphia, in Miscellaneous book I H, No. 3, page 462, &c.

[L. S.] Witness my hand and seal of office, this 11 day of February, 1824.

JOHN HARRISON,
Recorder.

STATE OF LOUISIANA, *parish of Ouachita*:

I, Oliver Morgan, parish judge of the parish of Ouachita, in the State of Louisiana, do certify, that the within deed is duly recorded in my office, in liber F, folio .

[L. S.] In testimony whereof I have hereto set my hand and affixed my seal of office, this 21st day of March, A. D. 1824.

OLIVER J. MORGAN,
Parish Judge.

Document marked W.

In the seventh judicial district court, parish of Ouachita, October term, 1827.

In this case the plaintiff claims the partition of certain lands held in common with the defendants, in the proportions as set forth in the plaintiff's petition, to wit: In the first purchase, the said plaintiff ten twenty-oneths, the said representatives of James Lyle eight twenty-oneths, and the said Robert E. Griffith three twenty-oneths; and in the second purchase, of ten thousand acres, the said plaintiff five thousand acres, and the said representatives of James Lyle three thousand acres, and Robert E. Griffith two thousand acres; the defendants, by their curator ad hoc, John Hughes, appointed by the court to represent the heirs and representatives of James Lyle, deceased, and Ferdinand Morgan, to represent Robert E. Griffith, absentees, plead the general issue; it having been considered by the court, that the necessity of the case and the authority of the law requiring it, it was ordered, that experts be appointed to divide the lands into lots, and to make an equal partition of the same between the parties, agreeable to the quality and portion which each may be entitled to; Henry Bry, James W. Mason, and William McFarland, were appointed as such, who having been sworn according to law, and who having received the charge of the court, proceeded to make said partition, and on this day the said experts presented their return and report into court, accompanying with two figurative plats of survey, and the field notes making a part of the same, in which, making three lots in different colors, in the first purchase, (that is to say,) lots number one, two, and three, marked in red; lots number one, two, and three, marked in yellow; and one lot marked in green; in which will be found the plaintiff's share contains sixty-nine thousand five hundred and thirty-seven arpents, marked in red; numbers one, two, and three, the representatives of James Lyle, deceased, share, containing sixty-two thousand two hundred and eighty-one arpents, marked in yellow; numbers one, two, and three, Robert E. Griffith's share, containing twenty-five thousand seven hundred and eighty-five arpents, one lot, marked in green. The land contained in the second purchase, as divided by the aforesaid experts, containing ten thousand arpents, a report of which is accompanied by a figurative plat of survey, field notes, and accompanying documents, is divided as follows, to wit: One lot marked in red, containing

four thousand six hundred and thirty arpents, as the share of the plaintiff, Stephen Girard; one lot marked in yellow, containing three thousand one hundred and fourteen arpents, the proportion and share of the representatives of James Lyle, deceased; and one lot marked in green, as the share of Robert E. Griffith, containing two thousand two hundred and fifty-six arpents; all of which will more fully appear, reference being had to the two plots of survey, the report of the aforesaid experts, and the exhibits filed in the same, and made a part of this record; the same being submitted to the said curators ad hoc and their counsel, and they make no opposition to the homologation of the same, whereupon, by reason of the law and evidence in the case, and the finding of the said experts, it is ordered, adjudged, and decreed by the court, that the partition of the land mentioned in plaintiff's petition be made in the manner and in the proportions as set forth in the return and report of said experts, in the two plats of survey; that the proceedings of said experts and their report be received, homologated, and approved, and the parties forever quieted in their rights to the several proportions as therein set forth. October term, 1827.

(Signed) J. H. OVERTON,
Jndge 7th district.

I, M. H. Merrill, deputy clerk of the 7th district court, certify the foregoing to be a true copy taken from the record of said court, November 1st, 1827.

(Signed) M. H. MERRILL,
Deputy Clerk.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[L. S.] In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

T. C. SCARBOROUGH,
Parish Judge.

Document marked AA.

UNITED STATES OF AMERICA,
State of Maryland, to wit:

Whereas, by a certain deed bearing date the second day of January, in the year of our Lord one thousand eight hundred and eleven, made by and between Samuel McKean, of the city of Baltimore, in the State of Maryland, merchant, of the one part, and John Carrier, also of the said city of Baltimore, merchant, of the other part, and by them duly executed in the presence of Samuel Stirett, notary public, by letters patent under the great seal of the State of Maryland commissioned and duly qualified, residing in the said city of Baltimore, in the State aforesaid; the said Samuel McKean, for the consideration therein expressed, did grant, bargain, sell, alien, *eneffeof*, release, convey, and confirm, unto the said John Carriere, his heirs and assigns, forever, all that certain tract or parcel of land situated, lying, and being in the county of

Ouachita and Territory of Orleans, the same being part of a grant of land known by the name of Bastrop's large concession in Ouachita aforesaid; and also part of the land lately granted and conveyed to Stephen Wante by Edward Livingston, esquire, of the city of New Orleans; and which part intended to be conveyed by the said deed is contained within the following metes and bounds, courses and distances, to wit: Beginning, for the said part of the said tract, at the end of the north thirty-three degrees west, one hundred and sixty chains, line mentioned in the certificate of the whole tract, signed by Henry Cassidy, dated the thirtieth day of November, eighteen hundred and eight; being a survey made for the said Stephen Wante; running and bounding on the outlines of the whole tract reversely, south thirty-three degrees east, one hundred and sixty chains; north fifty seven degrees east, one hundred and forty-nine chains; south thirty-three degrees east, three hundred and eighty chains; north seventy-two degrees and twenty-three minutes east, two hundred and sixty chains; thence north fifty-five degrees west, seven hundred and twenty chains, to a part of the said land, by a conveyance bearing even date with that deed, granted and conveyed to Henry Missonnier; and thence, bounding on that part, to the beginning; containing and laid off for twelve thousand five hundred arpents of land, French measure. Together with the improvements and appurtenances, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. To hold the said twelve thousand five hundred arpents of land above described, and thereby granted, bargained, and sold, or meant, mentioned, or intended so to be, and every part and parcel thereof, with all and singular the appurtenances unto him, the said John Carriere, his heirs and assigns, forever, to his and their only proper use and behoof, and to, for, and upon none other use, trust, interest, or purpose whatsoever, as by reference to the said deed, the execution whereof was certified by the said Samuel Sterett, under his hand and notarial seal, on the day and year aforesaid, and which has been recorded in the office of the judge of the parish of Ouachita and Territory of Orleans, in Liber G, folio 123 and 124, may more fully and at large appear.

Now, be it known and remembered, that on the sixth day of November, in the year of our Lord one thousand eight hundred and nineteen, and of the independence of the United States of America the forty-fourth, before me, John Gill, notary public, by letters patent under the great seal of the State of Maryland commissioned and qualified, residing in the city of Baltimore, in the State aforesaid, personally came and appeared John Carriere, of the said city of Baltimore, merchant, and Mary , his wife, of the one part, and Stephen Girard, of the city of Philadelphia, in the State of Pennsylvania, merchant, by Luke Tiernan, of the aforesaid city of Baltimore, merchant, his agent and attorney in fact, of the other part.

And the said John Carriere and Mary , his wife, for and in consideration of the sum of eleven thousand dollars, lawful money of the United States, well and truly paid by the said Stephen Girard,

through and by his agent and attorney aforesaid, before me, the said notary, at the time of signing these presents, the receipt whereof the said John Carriere and Mary, his wife, do hereby acknowledge, have granted, bargained, sold, aliened, enfeoffed, and conveyed, and by these presents do grant, bargain and sell, enfeoff and convey, unto the said Stephen Girard, his heirs and assigns, all that the aforesaid tract or parcel of land of twelve thousand five hundred arpents, French measure, and particularly described by metes and bounds in the deed hereinbefore in part recited, or referred to; together with all and singular the improvements thereupon made or being, and all and every the rights, privileges, appurtenances, and advantages to the same belonging, or in anywise appertaining; and the reversion or reversions, remainder or remainders, rents, issues, and profits thereof, and all the estate, right, title, interest, use, trust, possession, property, claim, and demand whatsoever, both in law and equity, of the said John Carriere and Mary , his wife, and each of them, of, in, unto, and out of the same.

To have and to hold the said twelve thousand five hundred arpents of land above described, and hereby granted, bargained, and sold, or meant, mentioned, or intended so to be, and every part and parcel thereof, with all and singular the appurtenances, unto the said Stephen Girard, his heirs and assigns, forever, to his and their only proper use and behoof, and to, for, and upon none other use, trust, intent, or purpose whatsoever.

And be it also known and remembered, that on the day and year first above mentioned, the said John Carriere, before me, the said notary, and for himself, his heirs, executors, and administrators, covenant, promise, declare, and agree, to and with the said Stephen Girard, his heirs and assigns, that he, the said John Carriere, and his heirs, all and every other person or persons whomsoever, lawfully claiming or to claim, by, from, or under him, them, or any of them, any estate or interests, right or title, in or to said land and premises, shall and will from time to time, and at all times hereafter, upon the reasonable request and at the proper costs and charges of the said Stephen Girard, his heirs and assigns, do, make, and execute, or cause and procure to be done, made, and executed, all and every such further and other lawful and reasonable act or acts, deed or deeds, conveyance or conveyances, device or devices, whatsoever in the law, for the further, and better, and more perfect and absolute assurance and confirmation of the said lands and premises hereby granted and conveyed, or mentioned, or intended so to be, with the appurtenances, unto him, the said Stephen Girard, his heirs and assigns, as by him or them, or his or their counsel learned in the law, may or shall be reasonably advised or devised and required.

In testimony whereof the said parties to these presents have hereunto set their hands and affixed their seals in the presence of me, the said notary, and of J. C. Smith and George W. Ellis, witnesses hereto required, who have signed their names; and I, the said notary, have hereunto set my hand and affixed my notarial seal on the sixth day of No-

vember, in the year of our Lord one thousand eight hundred and nineteen.

(Signed) JOHN CARRIERE, [SEAL.]
MARY CARRIERE, [SEAL.]
STEPHEN GIRARD,
By LUKE TIERNAN, [SEAL.]
His agent.

Signed and executed in presence of—
J. C. SMITH,
G. W. ELLIS.

JNO. GILL, *Not. pub.*

In testimonium veritatis.
[NOTARIAL SEAL.] JNO. GILL, *Not. pub.*

THE STATE OF MARYLAND, *to wit:*

I, Samuel Sprigg, governor of the State of Maryland, do hereby certify, that John Gill, esquire, before whom the foregoing deed appears to have been acknowledged, was at the time of taking the same, and now is, one of the notaries public of the State of Maryland, residing at the city of Baltimore, in the said State, duly commissioned, appointed, and authorized, and that [to] all acts by him done in that capacity, full faith and credit are and ought to be given, as well in court of justice as thereout.

In testimony whereof I have hereunto set my hand at the city of Annapolis, and caused the great seal of the State of Maryland to be hereunto affixed, this twenty-seventh day of March, in the year of our Lord one thousand eight hundred and twenty.

SAMUEL SPRIGG.

By the governor:
NINIAN PINKNEY, *clerk of the council.*

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[SEAL.] In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

T. C. SCARBOROUGH,
Parish judge.

Document marked CC.

Be it known, that on this thirteenth day of February, in the year of our Lord one thousand eight hundred and nine, and of the independence of the United States of America the thirty-third, before me, Peter Pedesclaux, notary public in and for the city and county of Orleans, personally came and appeared Edward Livingston, esquire, of this city, acting for himself, his heirs, executors, and administrators, of the one part, and Francis Messonier, agent of Henry Messonier, attorney in fact of Stephen Wante, late of Baltimore, for and in behalf of the said Wante, his heirs, executors, administrators, and assigns, of the other part; which parties, acting as aforesaid, declare and agree, to and with

each other, that whereas the said Edward Livingston, for and in consideration of the sum of fifty-four thousand eight hundred and thirty-one dollars and twenty-four cents, whereof he is and stands justly indebted unto the said Stephen Wante, he did heretofore, by virtue of a certain deed passed before me, the said notary public, on the 6th day of November, one thousand eight hundred and six, and under a special warranty against himself and against all persons claiming under him, alien, bargain, and sell, unto the said Wante, acting as aforesaid, the quantity of one hundred and twenty thousand arpents of land of superficial measure, the same being a part of the land obtained from the Baron de Bastrop, and of his, the said Bastrop's, large concession situated in the county of Ouachita, and territory of Orleans, without having any bounds or metes designated in the said deed to the said land; whereas, for the purpose of fixing and designating certain bounds and metes to the said land sold as aforesaid, and in order by means thereof to carry the said sale into full and complete effect and execution, a certain survey was made of the said land by William McGlaughlin, surveyor of the said county of Ouachita, bearing date on the first day of May, one thousand eight hundred and seven; and another deed of sale of the said land executed unto the said Wante, acting as aforesaid, by the said Edward Livingston, also acting as aforesaid, before me, the said notary public, on the sixth day of June, one thousand eight hundred and seven, according to the bounds and metes of the said survey, which for the greater certainty was by me, the said notary, thereunto annexed. And whereas, afterwards, on a division being made between the said Edward Livingston and a certain Abraham Morehouse, of the said Bastrop's large concession in Ouachita, the said lands, sold, surveyed, and conveyed, in manner, form, and times as above mentioned and related, were concluded in that partition of the said division which was allotted to the said Abraham Morehouse; and now, therefore, and in order to be better enabled finally and fully to effect and complete the intent and meaning, agreements and covenants of the aforesaid acts, deeds, and transactions, and thereby to prevent and forego any difficulties, contentions, or litigations which might hereafter arise therefrom or thereabout, and as a preliminary step leading to a satisfactory and permanent conclusion thereof, the parties hereto acting as aforesaid do, by these presents, annul and make void the before mentioned deed from the said Edward Livingston, acting as aforesaid, unto the said Stephen Wante, executed before me, the said notary public, on the sixth day of June, one thousand eight hundred and seven, as aforesaid, for the conveyance of the said one hundred thousand arpents of land, designated by certain bounds and metes, according to the survey executed by the said McGlaughlin as aforesaid; and finally, that for the consideration and purposes above and before mentioned and recited, the said Edward Livingston, one of the parties hereto acting as aforesaid, hath, and by these presents he doth, alien, grant, sell, and convey, unto the said Stephen Wante, the other party thereto, all that tract and parcel of land lying and being in the said county of Ouachita, being a part of a grant

of land known by the name of Bastrop's large concession in Ouachita, and by survey bearing date on the day of November last past, executed by Henry Cassidy, deputy surveyor of the said county, containing one hundred and twenty thousand arpents, and bounded as follows, to wit: Beginning at a cypress tree marked S. W. and D. W., standing on the S. E. bank of the bayou Bartholomey, about seven miles, by the meanders of the bayou, above the north boundary of the territory of Orleans, on the 33° latitude, and running from thence S. 38° E., crossing the waters of the bayou Bon Idea and the river of Beef, 1490 chains, to a post on the line of a survey made for James Pitot, esqr.; then, with line S. 72° 23' W., crossing the river of Beef 790 chains, to a post; then, by land said to belong to McCenas, N. 33° W., 380 chains, to a post; then, south fifty-seven degrees west, 149 chains, to an ash tree marked D C, corner of a survey made for Doctor Davezac, with his line north 33° west, 160 chains to a red oak, marked D C: then south 57° west, crossing the bay on Bon Idea 100 chains and 19 links to a red oak, D C, on the division line between Edward Livingston, esquire, and Cole. Abraham Morehouse; then with said line north 33° west, 349 chains and fifty 50 links, to a red oak, the XXIII mile tree on the division aforesaid; then by a survey made for Doctor Davezac, north 57° east, 100 chains and 59 links, to a white oak, on the line of a survey for Philip L. Jones, esq.; then with his line south 33° west, 84 chains, north 57 east, 124 chains, and north 33° west, 150 chains, to the west bank of the bayou Bartholomey; then down the bayou to the letter A on the line of the said Davezac's survey; thence with this line north 33° west, 106 chains to a gum, D C; then south 57° west, 100, and to a gum standing on the aforesaid division line with it; north 33° west, 100 chains to a red oak, marked W and M at the letter B; then north 60° east, 212 chains to a red oak tree; then east, 47 chains to a large white oak, marked S W at the letter C, on the southeast side of the bayou Bartholomey; then up the said bayou with its meanders, as per field notes, to the place of beginning, containing one hundred and twenty thousand arpents, French measure; to have and to hold the said one hundred and twenty thousand arpents of land as surveyed and bounded by Henry Cassidy, deputy surveyor aforesaid, according to the and certificate thereof, bearing date on the day of November, one thousand eight hundred and eight, as aforesaid; signed by the parties hereto, and by me, the notary aforesaid, and for the greater certainty by me hereunto annexed, unto the said Stephen Wante as aforesaid; together with all and every the appurtenances thereunto in anywise belonging and appertaining, forever; and the said Edward Livingston, acting as aforesaid, doth further covenant and agree, to and with the said Messonier, acting as aforesaid, that he will the said one hundred and twenty thousand arpents of land, conveyed by these presents unto him, the said Wante, acting as aforesaid, against the claim or claims of all, every person or persons, whatsoever, claiming by, or through, or under him, and against no other person or persons whatever, forever

warrant and defend. Also, that he will, and doth, by these presents, voluntarily and fully renounce all laws, and provisions of laws, which by, he may now, or hereafter have any claims against the said lands conveyed by these presents, or any part thereof, or against the said Stephen Wante, or his legal representatives, by virtue of these presents, or any of the acts, or other transactions whatsoever, of the said Edward Livingston separately from the said Wante; that by these presents he doth acknowledge the said Wante to be in full possession, absolute and legal, of the said lands conveyed by these presents; that he doth not at present, and shall not at any time hereafter, demand or require any other proof of possession thereof, besides what is contained in these presents; and that a final separation or division hath been made between the said Edward Livingston and Abraham Morehouse by virtue of an act passed in the county of Ouachita, and bearing date on the twenty-eighth day of September, one thousand eight hundred and seven, and recorded in the office of Henry Bry, parish judge in the said county, that the said lands, conveyed by these presents, are within that portion of the said and last mentioned division; and that if, contrary to this particular covenant, and the firm belief of the said Edward Livingston, the said land, conveyed by these presents, or any part thereof, should nevertheless hereafter be found to be contained within the bounds interfering with the lands of the said Abraham Morehouse, or of any other person or persons, claiming by, through, or under the said Edward Livingston, or the said Abraham Morehouse, that then, in such case, the said Edward Livingston, acting as aforesaid, shall justly and fully indemnify the said Stephen Wante, acting as aforesaid, for any loss or deficiency which may so occur, either in land of the said grant, or in money, without any expense or unnecessary delay being borne or supported by the said Stephen Wante, acting as aforesaid; and lastly, that he will and doth by these presents obligate and bind himself to pay, or cause to be paid, unto the said Henry Cassidy, or his legal representatives, any or every sum or sums of money which may have and have been incurred in the executing of the survey aforesaid. In consideration of all which the said Messonier, acting as aforesaid, doth by these presents declare and acknowledge, that all and every the obligations and covenants entered into by the said Edward Livingston, and agreed upon, and promised to be executed and performed, by virtue of the said act, executed by the parties hereto, bearing date on the sixth day of November, one thousand eight hundred and six, are by these presents fully and perfectly executed, performed, and discharged, and that thereof the said Edward Livingston, his heirs, executors and administrators, forever acquit, and doth by these presents further declare and consider himself to be perfectly satisfied and content with the lands by these presents conveyed and granted him in exchange for those heretofore granted him by virtue of the said act executed by the parties hereto, and bearing date on the sixth day of June, one thousand eight hundred and seven, according to the said survey, executed by the said McLaughlin.

In testimony whereof the parties to these presents have hereunto set

their hands, in the presence of me, the said notary, and of John Bpt. Ramires, and Peter Francis, Simon Godefrey, witnesses hereto required, on the day and date first above written.

EDWARD LIVINGSTON,
F. MESSONNIER,
GODEFREY,
JNO. BPT. RAMIRES,
PETER PEDESCLAUX,
Notary Public.

I do certify the above copy true and conformable to the original remaining in my office. New Orleans, sixth March, one thousand eight hundred and nine. PETER PEDESCLAUX,
Notary Public.

[For map, see original.]

I certify that I have surveyed the above described tract of land at the request of John Hughes, esq'r., agent of Edward Livingston, esq'r., for Stephen Wante, being part of a tract of land of twelve leagues square granted to the Baron of Bastrop by the Spanish government, and beginning at a cypress tree, marked S W and D W, standing on the southeast bank of the bayou Bartholomy, about seven miles by the meanders of the bayou, above the north boundary of the territory of Orleans, on the 33° latitude; and running from thence south 38° east, crossing the bayou Bon Idea and the river of Beef, 1,490 chains, to a post on the line of a survey made for James Pitot, esqr.; then with his line south 72° 23′ west, crossing the river of Beef, 790 chains, to a post; then by land said to belong to Mr. Cenas north 33° west, 380 chains, to a post; then south 57° west, 149 chains, to an ash tree, marked D C, corner of a survey made for Doctor Davezac; with his line north 33° west, 160 chains, to a red oak, D C; then south 57° west, crossing the bayou Bon Idea, 100 chains and 19 links, to a red oak, D C, on the division line between Edward Livingston, esq., and Cole. A. Morehouse; then with said line north 33° west, 349 chains and fifty links, to a red oak, the XXIII mile tree on the division line aforesaid; then by a survey made for Doctor Davezac, north 57° east, 100 chains and 19 links, to a white oak, on the line of a survey made for Philip L. Jones, esq.; then with his line south 33° east, 84 chains, north 57° east, 124 chains, and north 33° west, 150 chains, to the west bank of the bayou Bartholomey; then down the said bayou to the letter A, on the line of the said Devazac's survey; then with his line north 33° west, 106 chains, to a gum, D C; then south 57° west, 100 [chains] and 19 links, to a gum standing on the aforesaid division line; then with it north 33° west, 100 chains, to a red oak, marked W and M at the letter B; then north 60° east, 212 chains, to a red oak tree; then east, 47 chains, to a large white oak, marked S W at the letter C, on the southeast side of the bayou Bartho-

lomey; then up the said bayou with its meanders, as per field note, to the place of beginning; containing one hundred and twenty thousand arpents, French measure, surveyed the day of November, 1808.

HENRY CASSIDY,
Deputy surveyor.

We, the undersigned, John Hughes, acting as aforesaid as agent for Edward Livingston, and F. Messonnier, acting as agent for S. Wante, formerly merchant of Baltimore, do hereby certify, that Henry Cassidy has surveyed the land laid down in the above plat, agreeable to the instructions given him.

JNO. HUGHES,
F. MESSONNIER,
PETER PEDESCLAUX,
Notary Public.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name, and affixed my official seal, this 28th day of February, A. D. 1846.

[SEAL.]

T. C. SCARBOROUGH,
Parish Judge.

Document marked DD.

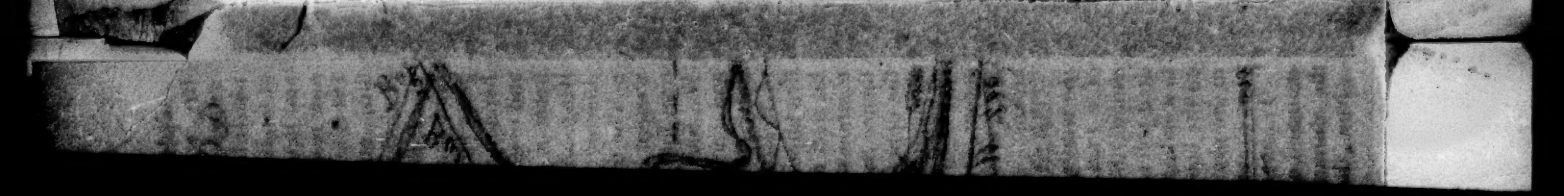
[For maps see original, pages 120 and 121.]

Courses of the two plats herewith.

No. 1. Beginning on the western bank of bayou Barthelmy, at an oak, being the front upper corner of a tract formerly belonging to Dougherty, now to Wilds; thence N. 50° W., 400 poles, along the line of said tract, to a post and back corner of the same; thence N. 18° W., 530 poles, on the line of McBride's tract, now Scriber, to a stake; thence with Scriber's line, S. 75° E., 505 poles, to a post, being the lower front corner of his tract on the bayou; thence down the bayou to the upper corner of a tract belonging to Needham Boons; thence S. 60° W., 225 poles, with the upper line of Boon, and the back line of a tract belonging to Wynant Dehart, to Dehart's upper back corner; thence S. 30° E., 258 poles, to his lower corner on the bayou; thence down with the meanders of the bayou to the beginning; containing 1,403 arpens French measure.

No. 2. Beginning on the W. bank of bayou Barthelemy, at the upper corner of a tract formerly belonging to D. Wirtner & Co., now A. Stuart; thence along Stuart's line N. 75° W., 300 poles, to a stake; thence N. 30° E., 750 poles, to a stake; thence S. 56° E., 330 poles, to a stake on the bank of the bayou; thence down the bayou, with its meanders, to the beginning; containing 2,897 arpens.

This indenture, made and entered into this 22d day of November, in the year 1824, between John Hughes, esqr., of the parish of Ouachita, in the State of Louisiana, and Stephen Girard, esqr., of the city of



Philadelphia, in the State of Pennsylvania, acting by his agent, H. Bry, esqr., of the said parish of Ouachita, authorized to that effect, witnesseth: That, whereas the aforesaid John Hughes is the owner and bearer of a contract or bond for four thousand and three hundred arpens of lands made and entered into by the late Andrew Y. Morehouse, son and heir of Abraham Morehouse, deceased, to and with Andrew Latting, now residing in the Territory of Arkansas, bearing date the 21st April, 1814, as will fully appear by the original contract and bond aforesaid, filed and annexed to the present, and remaining of record in the office of the judge of this parish; and whereas the aforesaid John Hughes proceeded to locate, and has effectually located, the aforesaid four thousand and three hundred arpens of land within that part of the Bastrop's grant formerly belonging to the aforesaid Morehouse, out of such land heretofore vacant and unappropriated, and agreeably to the conditions and tenor of the said contract or bond above mentioned, in two different tracts or parcels, a plot whereof is annexed to these presents, situated, lying, and being in this parish, on the western side of the bayou Barthelemy, and bounded as follows, to wit:

The tract or parcel marked in the plat No. 1. Beginning on the western bank of the bayou, at an oak, being the front upper corner of a tract formerly belonging to Dougherty, now to Wilds; thence N. 50° W., four hundred poles, along and with the line of said tract, to a post and back corner of the same; thence N. 18° W., five hundred and thirty poles, to a stake, on the line of a tract of land formerly *belonged* to McBride, now to A. Scriber; thence with Scriber's line S. 75° E., five hundred and five poles, to a post, being the lower front corner of his tract on the bank of the bayou; thence down the bayou, with its meanders, to the upper corner of a tract belonging to Needham Boon; thence S. 60° W., two hundred and twenty-five poles, with and along the upper line of Boon's tract, and the back line of a tract belonging to Wynant Deehart, to a post, the upper back corner of Deehart's tract; thence S. 30° E., two hundred and fifty-eight poles, to its lower front corner on the bayou; thence down the bayou, with its meanders, to the place of beginning; containing one thousand four hundred and three arpens.

The tract or parcel marked in the plat aforesaid No. 2. Beginning on the western bank of the bayou Barthelemy, at a stake, the upper corner of a tract formerly belonging to Daniel Wirtner & Co., now to A. Stuart; thence along and with said *tract's* line, N. 75° W., three hundred poles, to a stake; thence N. 30° E., seven hundred and fifty poles, to a stake; thence S. 56° E., three hundred and thirty poles, to a stake on the bank of the bayou; thence down the bayou, with its meanders, to the place of beginning; containing two thousand eight hundred and ninety-seven arpents.

These two tracts, No. 1 and 2, thus located, containing together four thousand and three hundred arpens of land, the quantity mentioned in the contract or bond above mentioned.

Now, therefore, this indenture witnesseth, that the aforesaid John

Hughes has, for and in consideration of the sum of one thousand and seventy-five dollars, it being at the rate of twenty-five cents per arpent, to him, by the aforesaid H. Bry, acting for Stephen Girard, as above mentioned, in hand paid, the receipt whereof is hereby acknowledged, and forever acquitted and discharged, bargained, sold, aliened, and conveyed, as he does by these presents bargain, sell, alien, and convey, unto the aforesaid Stephen Girard, his heirs and assigns, forever, the two above described tracts or parcels of land, with all and singular the appurtenances whatsoever thereto belonging or in anywise appertaining. To have and to hold unto him, the aforesaid Stephen Girard, his heirs and assigns, forever, and for his and their sole use, benefit, and behoof. And the aforesaid John Hughes does further covenant and agree, for himself, his heirs, and assigns to and with the aforesaid Stephen Girard, his heirs and assigns, that the above described premises, hereby conveyed, are now free from any incumbrance whatsoever; and that he will warrant and defend the same against the claims or demand of any person or persons whatever, except any pretended claim of the United States.

In witness whereof the aforesaid John Hughes and H. Bry, acting for Stephen Girard, have hereto subscribed their names, the day and year first above written, and in presence of Oliver J. Morgan, parish judge, in and for the parish of Ouachita, in the State of Louisiana, and in presence of Daniel J. Sutton and Ferdinand Morgan, witnesses hereto required, who have also signed; which indenture is made in duplicate.

JNO. HUGHES.

Accepted for Stephen Girard.

H. BRY,
D. J. SUTTON,
F. MORGAN,
OLIVER J. MORGAN,
Parish judge.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[SEAL.] In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

T. C. SCARBOROUGH,
Parish judge.

Document marked EE.

[For figurative plat, see original.]

Whereas I, Jonathan Morgan, sheriff of the parish of Ouachita, by virtue of a writ of fieri facias, to me directed, against the goods and chattels, lands and tenements, of George Hamilton, at the suit of the

syndics of Edward Brooks, did seize all that certain tract or parcel of land lying and being in the parish of Ouachita, and situate on the river Aux Bœufs, containing twenty-three thousand nine hundred and sixty-four arpents, beginning at a sassafras post, Andrew Latting's corner, twenty-three arpents from the letter D, corner of Morehouse proportion of the Bastrop's grant; running thence north 52° east, one hundred and sixty arpents, to a post; thence north 33° west, fifty arpents, to a post; thence south 52° west, one hundred and sixty arpents, to a post; thence south 33° east, to the beginning, containing eight thousand arpents; and the adjoining tract, bounded as follows, to wit: Beginning at a stake on the outside line of Morehouse's proportion of the Bastrop grant; thence north 33° west, one hundred and one arpents, to a stake; thence south 52° west, one hundred and eighty-two arpents, to a stake; thence south 33° east, fifty-four arpents, to a stake, corner of Cæsar A. McLauchlin's corner, on the line of the Andrew Morehouse tract of 8,000 arpents; thence north 52° east, fifty arpents, to a stake; thence south 33° east, forty seven arpents, to a stake on the said Morehouse's outside line; thence north 52° east, to [the] beginning, containing sixteen thousand and fourteen arpents, including fifty arpents belonging to Stephen Miller, leaving the quantity hereby sold aforesaid; and having exposed the same to public sale, according to law, on the 9th day of February, instant, and Stephen Girard, of the city of Philadelphia, by his attorney, Henry Bry, esq., became the purchaser thereof, for the price of twenty cents per arpent, cash paid in hand, making, in all, the sum of four thousand seven hundred and ninety-two dollars and eighty cents, which I acknowledge to have received.

Now, therefore, know all men by these presents, that I, the said sheriff, do, in consideration of the premises, and by virtue of the act in such case made and provided, grant, bargain, sell, assign, and set over, to the said Stephen Girard, his heirs and assigns, all the above described tract of land, and all the right, title, and interest, or demand, which the said George Hamilton had in and to the same on the third day of October, eighteen hundred and twenty-three, as at any time since had in and to the said tract of land, or any part thereof, to hold the same, to the said Stephen Girard, his heirs and assigns, forever.

In witness whereof I have hereunto set my hand and seal, this ninth day of February, in the year of our Lord one thousand eight hundred and twenty-five, and of the forty-ninth of the independence of the United States of America.

JONA. MORGAN,
Sheriff of Ouachita.

Signed and delivered in presence of—
FREDERICK FOY,
N. GURNETT.

Accepted:
H. BRY,
For Stephen Girard, authorized by him to that effect.

STATE OF LOUISIANA, *parish of Ouachita:*

I do hereby certify the above [to be] a true and correct copy of a deed found in the clerk's office, in and for the parish and State aforesaid. [SEAL.] In faith whereof I have hereto signed my name and affixed the seal of the court, this 5th day of February, 1846.

JNO. H. DENKGRAN, *D'y Clerk.*

Document marked FF.

[For figurative plat, see original.]

On this eleventh day of February, in the year of our Lord one thousand eight hundred and twenty-five, before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, personally came and appeared Cæsar H. McLauchlin, an inhabitant of said parish, who declared and acknowledged that, for and in consideration of the sum of eight hundred dollars, to him in hand paid, the receipt whereof is hereby acknowledged, he has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents doth grant, bargain, sell, alien, convey, and confirm, unto Stephen Girard, of the city of Philadelphia, and State of Pennsylvania, (the said party accepting by his attorney in fact, Henry Bry, esq.,) all the right, interest, claim, and demand which he derived by virtue of the sheriff's sale and deed of conveyance, bearing date the nineteenth day of July, in the year one thousand eight hundred and twenty-four, of record in the office of the aforesaid parish judge, in liber F, folio 354, to the quantity of four thousand arpents of land, situated in the parish aforesaid, on the river Aux Bœufs, beginning at Andrew Latting's corner, 88 arpents from the letter D; running north 52 degrees east, one hundred and twenty-two arpents, to a post; thence north 33 degrees west, forty-seven arpents, to a post; thence south 52 degrees west, fifty arpents, to a post on the end line of George Hamilton's survey of eight thousand arpents; then with said end line south 33 degrees east, twenty-four arpents, to the corner of said 8,000 arpents survey; thence with the said line of said survey south 52 degrees west, seventy-two arpents, to a post; thence south 33 degrees east, twenty-three arpents, to the beginning, agreeably to the plot at the head of this title: To have and to hold the said described tract of land, with all the privileges and advantages unto the same in any wise belonging or appertaining, unto the said Stephen Girard, his heirs, &c., and to their only proper use, benefit, and behoof forever. And the said Cæsar A. McLaughlin, for himself, his heirs, &c., doth covenant and agree, to and with the said Stephen Girard, and his heirs, to warrant and forever defend the said described tract of land against the claim of himself, his heirs, &c., and against all person or persons claiming or to claim by, through, or under him.

In testimony whereof the said Cæsar A. McLauchlin, and the said

Stephen Girard, by Henry Bry, his agent, have signed, passed, and acknowledged the present, before me, the said parish judge, and in presence of John Hughes and George Hamilton, witnesses, hereto required, who have also signed the date above written.

C. A. McLAUCHLIN,

Accepted for Stephen Girard, esq.,

H. BRY,
Authorized to that effect.

JOHN HUGHES,
GEO. HAMILTON,
OLIVER J. MORGAN,
Parish judge.

STATE OF LOUISIANA, *parish of Ouachita:*

I certify the foregoing [to be] a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name, and affixed my official seal, this 28th day of February, A. D. 1846.

[SEAL.]

T. C. SCARBOROUGH,
Parish judge.

Document marked GG.

This indenture, made this twenty-ninth day of September, in the year of our Lord one thousand eight hundred and seven, between Edward Livingston, of New Orleans, of the one part, and John Adair, of Kentucky, of the other part, witnesseth: That the said Edward Livingston, (by his attorney in fact, Augustus Davezac de Castra,) hath, for and in consideration of full satisfaction having been made and received, hath this day released and conveyed, and forever quit claim, to the said John Adair, his heirs, &c., forever, to a certain tract of land, lying in the district of Ouachita, being part of a grant of twelve leagues square made to the Baron de Bastrop by the Spanish government; which tract of land is bounded as follows, to wit: Beginning at a red oak, eighteen miles from the letter D, on the eastern line of the survey of the aforesaid grant, made by Henry Cassidy, authorized surveyor for said district, and running thence with the line of said grant north fifty-two degrees east, fifteen hundred and forty chains, to the corner of letter E, a willow; thence north thirty-eight degrees west, one hundred and sixty chains, to a post, on another line of said grant; thence south seventy-six and a half degrees west, sixteen hundred and two chains, to a post, on the line of division between said Livingston and Abraham Morehouse; thence with said line south thirty-three degrees east, to the beginning; containing, by estimation, seventy-five thousand two hundred and thirty-six acres; to have and to hold said land, to the said John Adair, and his heirs and assigns, forever, from the said Edward Livingston, his heirs, executors, administrators, and assigns, and from all and every person claiming by or under him. As witness whereof, the said Ed-

ward Livingston hath hereunto set his hand, and affixed his seal, this day and date above written.

EDWARD LIVINGSTON,
By his attorney in fact, Augustus Davezac de Castra. [SEAL.]
Witness present—
JOHN HUGHES,
HENRY CASSIDY.

Acknowledged before me; therefore ordered that it should be recorded in this office. H. BRY, *parish judge.*

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name, and affixed my official seal, this 28th day of February, A. D. 1846.
[SEAL.]
T. C. SCARBOROUGH,
Parish judge.

Document marked H H.

This indenture, made this seventeenth day of October, in the year of our Lord one thousand eight hundred and seven, between John Adair, of Kentucky, of the one part, and T. B. Franklin, of Ouachita, of the other part, witnesseth: That the said John Adair, for and in consideration of the sum of two thousand three hundred and forty dollars, to him in hand paid, or secured to be paid, hath bargained, sold, released, and conveyed, to the said Thomas B. Franklin, a certain tract or parcel of land, lying in the district of Ouachita, being part of a grant of one hundred and forty-four square leagues, granted to the Baron de Bastrop by the Spanish government, and bounded as follows, to wit: Beginning on the eastern line of said grant, as run by Henry Cassidy, thirty miles, from the letter D, (the said line being marked by mile trees, and running with said line north 52° east, three miles, to the thirty-third mile tree; thence at right angles one mile; thence a line parallel with the first line, three miles; thence one mile to the beginning; containing, by estimation, two thousand three hundred and forty arpents, French measure. To have and to hold the said tract or parcel of land, to the said Thomas B. Franklin, his heirs, &c., forever, from the said John Adair, his heirs, &c., and from all and every person claiming under him, and from all persons whatsoever. As witness, the said John Adair hath hereunto set his hand and seal, this day and date above written.

JOHN ADAIR. [SEAL.]

The foregoing deed was acknowledged before me, by the hereto signed John Adair, to be his true and voluntary act and deed; therefore it is recorded in my office, the 11th August, 1808.

H. BRY,
Judge of the Parish of Ouachita.

I certify the foregoing to be a true and correct copy of the original, on file and of record in my office.

In faith whereof I have hereto signed my name, and affixed my official seal, this 28th day of February, A. D. 1846.

[SEAL.] T. C. SCARBOROUH, *Parish judge.*

Document marked I 1.

This agreement, made on this eleventh day of February, in the year of our Lord one thousand eight hundred and twenty-eight, between Thomas B. Franklin, of the county of Clark, in the territory of Arkansas, of the one part, and Stephen Girard, an inhabitant of the city of Philadelphia, in the State of Pennsylvania, represented by Henry Bry, his agent, of the other part, witnesseth: That the said Thomas B. Franklin, for and in consideration of the sum of four hundred and twenty-one dollars and twenty cents, to him in hand paid by the said Stephen Girard, through the hands of his said agent, Henry Bry, has granted, bargained, sold, aliened, conveyed, and confirmed, unto the said Stephen Girard, his heirs and assigns, a certain tract or parcel of land, lying, being, and situate in the parish of Ouachita, in the State of Louisiana, being part of the grant known by the name of the Baron de Bastrop's grant, and bounded as follows, to wit: Beginning on the eastern line of said grant, as run by Henry Cassidy, thirty miles from the letter D, (the said line being marked by mile trees,) and running with said line north 52° east, three miles, to the thirty-third mile tree; thence at right angles, one mile; thence a line parallel with the first line, three miles; thence one mile, to the beginning; containing two thousand three hundred and forty arpents, (French measure;) being the same which the said Thomas B. Franklin derived by purchase from John Adair, of Kentucky, by deed bearing date the 17th October, 1807, of record in the office of the parish judge of the parish of Ouachita aforesaid; recorded on the 11th August, 1808, in book A, folio 115; to hold the same to the said Stephen Girard, his heirs and assigns, forever. And the said Thomas B. Franklin, for himself, his heirs &c., agrees, to and with the said Stephen Girard, his heirs, &c., to warrant and defend the aforesaid tract of land against the claim of himself, his heirs, &c., and from all and every person claiming under him, and from all persons whatsoever.

In witness, the said Thomas B. Franklin has signed the present, and the said Henry Bry, being present and accepting the foregoing conveyance, has also signed his name hereto, at the town of Monroe, in the parish of Ouachita, in presence of Moses H. Merritt and Eli Harris, witnesses, who have also hereto set their signature the date above written, signed in duplicate; the said Stephen Girard being well acquainted with the nature of the Baron de Bastrop's claim, receives this conveyance without any warranty against the claim of the United States.

(Signed) THOS. B. FRANKLIN,
Accepted: H. BRY,
For STEPHEN GIRARD.

Witnesses—
M. H. MERRITT,
ELI HARRIS.

Before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, personally appeared Eli Harris and Moses H. Merritt, whose names are subscribed as witnesses to the foregoing deed, being first duly sworn, depose and say, that Thos. B. Franklin, the grantor, and Henry Bry, acting as agent for Stephen Girard, grantee, did in their presence sign and acknowledge the foregoing deed to be their voluntary act and deed for the purposes therein contained. March 14th, 1828.

(Signed) ELI HARRIS,
M. H. MERRITT,
OLIVER J. MORGAN,
Parish judge.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

[L. S.] In faith whereof I have hereto signed my name and affixed my seal of office, this 28th day of February, A. D. 1846.

T. C. SCARBOROUGH.
Parish judge.

Document marked LL.

[For plat see original.]

On this tenth day of July, in the year of our Lord one thousand eight hundred and twenty-seven, before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, personally appeared Genl. John Adair, an inhabitant of the county of Mercer, in the State of Kentucky, who declared and acknowledged that, for and in consideration of the sum of six thousand five hundred and seventy-eight dollars and eighty-two cents, to him in hand paid, the receipt whereof is hereby acknowledged, he has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents doth grant, bargain, sell, alien, convey, and confirm, unto Stephen Girard, an inhabitant of the city of Philadelphia, in the State of Pennsylvania, (the said Girard being represented by Henry Bry, his agent, who being here present accepts the same) a certain tract or parcel of land, situate, lying, and being in the said parish of Ouachita, and State of Louisiana, meted and bounded as represented by a plot made by William McFarlan, parish surveyor, prefixed at the head of this title, to wit: Beginning at the corner, (a stake,) on the easternmost line and boundary of the grant known by the name of the Baron de Bastrop's grant, and corner of a tract of land now or formerly belonging to Peter Cassidy; thence running with the line of said grant, N. 52° E., three thousand eight hundred and forty poles, to a willow, it being the northeast corner of the said Bastrop's grant; thence N. 48° W., with the line of the

same six hundred and forty poles, to the stake, and corner of a tract of thirty-eight thousand arpents of land, now or formerly belonging to James Pitot; thence with the said Pitot's line, S. 76° 30' W., three thousand nine hundred and twenty poles, to a stake, being the north-west corner of the tract of ten thousand arpents of land, belonging to Peter Cassidy before mentioned; thence with said Peter Cassidy's line, S. 42° E., two thousand three hundred and twenty poles, to the beginning, containing the quantity of thirty-six thousand five hundred and forty-nine arpents, being part of the grant made to the Baron de Bastrop by the Spanish government, and part of a tract of land sold to the said John Adair, on the twenty-ninth day of September, in the year eighteen hundred and eight, by Edward Livingston, then owner of six-tenths of the said Bastrop's grant; all which will more fully appear, reference being had to the records in the office of the said parish judge; to have and to hold the said described tract or parcel of land, with all the privileges and advantages unto the same in any wise belonging or appertaining, unto the said the Stephen Girard, his heirs, &c., and to his or their only proper use, benefit, and behoof forever; and the said John Adair, for himself, his heirs, &c., doth covenant and agree, to and with the said Stephen Girard, his heirs, &c., to warrant and defend the said described tract or parcel of land, against the claim of himself and his heirs, and against the claim or claims of all person or persons whomsoever, except the United States.

In testimony whereof the said John Adair, in his own proper person, and the said Stephen Girard, by Henry Bry, his agent aforesaid, have signed, passed, accepted, and acknowledged the present in duplicate to be their act and deed, before me, the said parish judge, and in presence of John Hughes and Eli Harris, witnesses hereto required, who have also signed the date above written.

(Signed) JOHN ADAIR.

Accepted.

H. BRY, *Agent of Stephen Girard,*
JNO. HUGHES,
ELI HARRIS.

Done before me—

OLIVER J. MORGAN,
Parish judge.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

[SEAL.]

T. C. SCARBOROUGH,
Parish judge.

Document marked MM.

This indenture, made this 23d day of February, in the year of our Lord 1808, between John Adair, of Mercer county, and State of Ken-

tucky, of the one part, and Peter Casey, of the same county and State, of the other part, witnesseth: That the said John Adair, for and in consideration of the sum of five thousand dollars, by the said Peter to the said John in hand paid at and before the sealing and delivery of these presents, hath bargained and sold, and by these presents doth bargain, sell, and convey, to the said Peter Casey, and his heirs and assigns, forever, a certain tract or parcel of land situated, lying, and being in the district of Ouachita, being part of a tract conveyed to the said John by Edward Livingston, the same being part of a grant of twelve leagues square made by the Spanish government to the Baron de Bastrop; which said tract of land hereby conveyed contains ten thousand acres, and bounded as follows, to wit: Beginning in the line of the said grant at the most eastwardly corner of a tract of twenty-four thousand acres, conveyed by the said John to Leonard Claiborne, the deed for which is recorded in the Fayette court of Kentucky, and running from thence with the original line of the grant aforesaid north fifty-two degrees east, twelve hundred and sixty-five poles, to a stake in said line; thence at right angles to the said grant line north thirty-eight degrees west, twelve hundred and sixty-five poles, to a stake; thence south fifty-two degrees west, twelve hundred and sixty-five poles, to a stake in Claiborne's line; thence with said line N. 38° west, twelve hundred and sixty-five poles, to the beginning, with its appurtenances; to have and to hold the said tract or parcel of ten thousand acres of land, with its appurtenances, unto the said Peter Casey, and his heirs and assigns, forever, to his and their only proper use and behoof; and the said John Adair, for himself, his heirs, executors, and administrators, the said tract or parcel of land, with its appurtenances, unto the said Peter Casey, his heirs, executors, administrators, and assigns, against the claim or claims of him, the said John Adair, his heirs, executors, and administrators, and against the claim or claims of all and every other person and persons whatsoever, claiming by, from, or under him, will warrant and forever defend.

In testimony whereof the said John Adair hath subscribed his name and affixed his seal the day and year first above written.

[SEAL.] JOHN ADAIR.

Attest: THOMAS ALLEN, *C. C.*

STATE OF KENTUCKY,
Mercer county, sct:

February 23d, 1808. This indenture was this day acknowledged before me by John Adair, a party thereto, to be his act and deed. Whereupon I have recorded the same in my office.

Attest: THO. ALLEN, *C. C.*

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

[SEAL.]

T. C. SCARBOROUGH,
Parish judge.

Document marked NN.

On this ninth day of March, in the year of our Lord one thousand eight hundred and twenty-nine, before me, Oliver J. Morgan, parish judge in and for the parish of Ouachita, in the State of Louisiana, personally came and appeared Mr. John Casey, of the county of Union in the State of Kentucky, who declared and acknowledged that, for and in consideration of the sum of fifteen hundred dollars to him in hand paid, the receipt whereof is hereby acknowledged, he has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents doth grant, bargain, sell, alien, convey, and confirm, unto Stephen Girard, of the city of Philadelphia and State of Pennsylvania, (the said party being here present by his attorney in fact, Henry Bry, and accepting,) a certain tract or parcel of land lying, being, and situate in the said parish, beginning at a red oak, west corner of a tract of land formerly belonging to John Adair, and now to the said Stephen Girard, on the line between the said tract and a tract belonging to J. Pitot; thence S. 76° 30′ W., to a corner on said line, and corner of a tract now or formerly belonging to Leonard Claiborne; thence with Claiborne line to the eastern line of the Bastrop grant and the said Claiborne corner; thence with said line N. 52° E., to a white oak, southwest corner of the tract of land of the said Girard above mentioned; thence with the south line of the said tract of land N. 42° W., to the beginning, containing the quantity of ten thousand American acres. The said tract of land was purchased by the said John Casey of the legal heirs of Peter Casey, late of the State of Kentucky, deceased, (this deponent being also one of the heirs of the said decedent,) and which will appear by reference to two deeds, one bearing date the seventeenth day of November, eighteen hundred and twenty-eight, the other bearing date the twenty-ninth day of December of the same year, this day filed and recorded in the office of the said parish judge, and purchased by the said Peter Casey of John Adair by deed bearing date the twenty-third day of February, in the year eighteen hundred and eight, also this day filed and recorded in the parish judge's office, and being a part of the Baron de Bastrop's grant. To have and to hold the said described tract or parcel of land, with all the privileges and advantages unto the same in anywise belonging or appertaining, unto the said Stephen Girard, his heirs, &c., and to their only proper use, benefit, and behoof forever; and the said John Casey, for himself, his heirs, &c., doth covenant and agree, to and with the said Stephen Girard, his heirs, &c., to warrant and forever defend the said described tract of land against the claim of himself, his heirs, &c., and against the claim or claims of all person or persons whomsoever, except the pretended claim of the United States.

In testimony whereof the said John Casey and the said Stephen Girard,

by his attorney in fact, Henry Bry, have signed and acknowledged the present, in duplicate, before the said parish judge, and in presence of John Hughes and James Moore, witnesses hereto required, who have also signed the date above written.

JOHN CASEY.

Accepted, H. BRY.
Acting for S. Girard.

JNO. HUGHES,
JAMES R. MOORE.

Done before me. OLIVER J. MORGAN,
Parish judge.

I certify the foregoing to be a true and correct copy of the original on file and of record in my office.

In faith whereof I have hereto signed my name and affixed my official seal, this 28th day of February, A. D. 1846.

[SEAL.]

T. C. SCARBOROUGH,
Parish Judge.

Document marked OO.

The will of the late Stephen Girard, esq.

"I, Stephen Girard, of the city of Philadelphia, in the Commonwealth of Pennsylvania, mariner and merchant, being of sound mind, memory, and understanding, do make and publish this my last will and testament in manner following—that is to say:

I. I give and bequeath unto 'The Contributors to the Pennsylvania Hospital,' of which corporation I am a member, the sum of thirty thousand dollars, upon the following conditions, namely, that the said sum shall be added to their capital, and shall remain a part thereof forever, to be placed at interest, and the interest thereof to be applied, in the first place, to pay to my black woman, Hannah, (to whom I hereby give her freedom,) the sum of two hundred dollars per year, in quarterly payments of fifty dollars each in advance, during all the term of her life; and, in the second place, the said interest to be applied to the use and accomodation of the sick in the said hospital, and for providing, and at all times having competent, matrons and a sufficient number of nurses and assistant nurses, in order not only to promote the purposes of the said hospital, but to increase this last class of useful persons much wanted in our city.

II. I give and bequeath to 'The Pennsylvania Institution for the the Deaf and Dumb' the sum of twenty thousand dollars for the use of that institution.

III. I give and bequeath to 'The Orphan Asylum of Philadelphia' the sum of ten thousand dollars for the use of that institution.

IV. I give and bequeath to 'The Comptrollers of the Public Schools for the city and county of Philadelphia,' the sum of ten thousand dollars, for the use of the schools upon the Lancaster system, in the first section of the first school district of Pennsylvania.

V. I give and bequeath to 'the Mayor, Aldermen, and Citizens of Philadelphia' the sum of ten thousand dollars in trust, safely to invest the same in some productive fund, and with the interest and dividends arising therefrom to purchase fuel between the months of March and August in every year forever, and, in the month of January in every year forever, distribute the same amongst poor white housekeepers and roomkeepers, of good character, residing in the city of Philadelphia.

VI. I give and bequeath to the society, for the relief of poor and distressed masters of ships, their widows and children, (of which society I am a member,) the sum of ten thousand dollars, to be added to their capital stock, for the uses and purposes of said society.

VII. I give and bequeath to the gentlemen who shall be trustees of the Masonic loan at the time of my decease, the sum of twenty thousand dollars, including therein ten thousand and nine hundred dollars due to me, part of the Masonic loan, and any interest that may be due thereon at the time of my decease, in trust for the use and benefit of "The Grand Lodge of Pennsylvania and Masonic jurisdiction thereto belonging," and to be paid over by the said trustees to the said Grand Lodge, for the purposes of being invested in some safe stock or funds, or other good security, and the dividends and interest arising therefrom to be again so invested and added to the capital, without applying any part thereof to any other purpose, until the whole capital shall amount to thirty thousand dollars, when the same shall forever after remain a permanent fund or capital of the said amount of thirty thousand dollars, the interest whereof shall be applied, from time to time, to the relief of poor and respectable brethren; and, in order that the real and benevolent purposes of Masonic institutions may be attained, I recommend to the several lodges not to admit to membership, or to receive members from other lodges, unless the applicants shall absolutely be men of sound and good morals.

VIII. I give and bequeath unto Philip Peltz, John Leutz, Francis Hesley, Jacob Baker, and Adam Young, of Passyunk township, in the county of Philadelphia, the sum of six thousand dollars, in trust that they, or the survivors or survivor of them, shall purchase a suitable piece of ground, as near as may be, in the centre of said township, and thereon erect a substantial brick building, large [enough] for a school house, and the residence of a school master, one part thereof for poor male white children, and the other part for poor female white children, of said township; and, as soon as the said school house shall have been built, that they, the said trustees, or the survivors or survivor of them, shall convey the said piece of ground and house thereon erected, and shall pay over such balance of said sum as may remain unexpended to any board of directors, and their successors, in trust, which may at the time exist, or be by law constituted, consisting of at least twelve discreet inhabitants of the said township, and to be annually chosen by the inhabitants thereof; the said piece of ground and house to be carefully maintained by said directors, and their successors, solely for the purposes of a school as aforesaid forever, and the said balance to be securely invest-

ed as a permanent fund, the interest thereof to be applied, from time to time, towards the education in the said school of any number of such poor white children of said township; and I do hereby recommend to the citizens of the said township to make additions to the fund whereof I have laid the foundation.

IX. I give and devise my house and lot of ground thereto belonging, situate in Rue Ramonet aux Chartrous, near the city of Bordeaux, in France, and the rents, issues, and profits thereof, to my brother, Etienne Girard, and my niece, Victoire Fenellon, (daughter of my late sister, Sophia Girard Capayron,) (both residing in France,) in equal moieties, for the life of my said brother; and, on his decease, one moiety of the said house and lot to my said niece Victoire, and her heirs, forever; and other moiety to the six children of my said brother, namely, John Fabricius, Marguerite, Ann Henriette, Jean August, Marie, and Madelaine Henriette, share and share alike, (the issue of any deceased child, if more than one, to take amongst them the parent's share,) and their heirs, forever.

X. I give and bequeath to my said brother, Etienne Girard, the sum of five thousand dollars, and the like sum of five thousand dollars to each of his six children above named; if any of the said children shall die prior to the receipt of his or her legacy of five thousand dollars, the said sum shall be paid, and I give and bequeath the same, to any issue of such deceased child, if more than one, share and share alike.

XI. I give and bequeath to my said niece, Victoire Fenellon, the sum of five thousand dollars.

XII. I give and bequeath absolutely to my niece, Antoinetta, now married to Mr. Hemphill, the sum of ten thousand dollars; and I also give and bequeath to her the sum of fifty thousand dollars, to be paid over to a trustee or trustees to be appointed by my executors, which trustee or trustees shall place and continue the said sum of fifty thousand dollars upon good security, and pay the interest and dividends thereof as they shall from time to time accrue, to my said niece for her separate use during the term of her life; and from and immediately after her decease; to pay and distribute the capital to and among such of her children, and the issue of deceased children, and in such parts and shares as the said Antoinetta, by any instrument under her hand and seal, executed in the presence of at least two credible witnesses, shall direct and appoint; and, for default of such appointment, then to and among the said children, and issue of deceased children, in equal shares; such issue of deceased children, if more than one, to take only the share which their deceased parent would have taken if living.

XIII. I give and bequeath unto my niece, Carolina, now married to Mr. Haslam, the sum of ten thousand dollars, to be paid over to a trustee or trustees to be appointed by my executors, which trustee or trustees shall place and continue the said money upon good security, and pay the interest and dividends thereof from time to time, as they shall accrue, to my said niece, for her separate use during the term of her life; and, from and immediately after her decease, to pay and distribute the capital to and among such of her children, and issue of de-

ceased children, and in such parts and shares as she, the said Carolina, by any instrument under her hand and seal, executed in the presence of at least two credible witnesses, shall direct and appoint; and, for default of such appointment, then to and among the said children, and issue of deceased children, in equal shares; such issue of deceased children, if more than one, to take only the share which the deceased parent would have taken if living; but if my said niece, Carolina, shall leave no issue, then the said trustee or trustees, on her decease, shall pay the said capital, and any interest accrued thereon, to and among Caroline Lallemand, (niece of the said Carolina,) and the children of the aforesaid Antoinetta Hemphill, share and share alike.

XIV. I give and bequeath to my niece, Henrietta, now married to Dr. Clark, the sum of ten thousand dollars; and I give and bequeath to her daughter Caroline, (in the last clause above named,) the sum of twenty thousand dollars; the interest of the said sum of twenty thousand dollars, or so much thereof as may be necessary, to be applied to the maintenance and education of the said Caroline during her minority, and the principal, with any accumulated interest, to be paid to the said Caroline on her arrival at the age of twenty-one years.

XV. Unto each of the captains who shall be in my employment at the time of my decease, either in port or at sea, having charge of one of my ships or vessels, and having performed at least two voyages in my service, I give and bequeath the sum of fifteen hundred dollars; provided he shall have brought safely into the port of Philadelphia, or if at sea at the time of my decease, shall bring safely into that port, my ship or vessel last entrusted to him; and, also, that his conduct during the last voyage shall have been in every respect conformable to my instructions to him.

XVI. All persons who, at the time of my decease, shall be bound to me by indenture, as apprentices or servants, and who shall then be under age, I direct my executors to assign to suitable masters, immediately after my decease, for the remainder of their respective terms, on conditions as favorable as they can in regard to education, clothing, and freedom dues; to each of the said persons in my service, and under age at the time of my decease, I give and bequeath the sum of five hundred dollars; which sums, respectively, I direct my executors safely to invest in public stock, to apply the interest and dividends thereof towards the education of the several apprentices or servants for whom the capital is given respectively; and, at the termination of the apprenticeship or service of each, to pay to him or her the said sum of five hundred dollars, and any interest accrued thereon, if any such interest shall remain unexpended; in assigning any indenture, preference shall be given to the mother, father, or next relation, as assignee, should such mother, father, or relative desire it, and be, at the same time, respectable and competent.

XVII. I give and bequeath to Francis Hesley (son of Mrs. S. Hesley, who is mother of Marianne Hesley,) the sum of one thousand dollars, over and above such sum as may be due to him at my decease.

XVIII. I charge my real estate, in the State of Pennsylvania, with the payment of the several annuities or sums following, (the said annuities to be paid by the treasurer, or other proper officer of the city of Philadelphia, appointed by the corporation thereof for the purpose, out of the rents and profits of said real estate, hereinafter directed to be kept constantly rented,) namely:

1. I give and bequeath to Mrs. Elizabeth Ingersoll, widow of Jared Ingersoll, esq., late of the city of Philadelphia, counsellor at law, an annuity or yearly sum of one thousand dollars, to be paid in half yearly payments, in advance, of five hundred dollars each, during her life.

2. I give and bequeath to Mrs. Catherine Girard, now widow of Mr. J. B. Hoskins, who died in the Isle of France, an annuity, or yearly sum of four hundred dollars, to be paid in half yearly payments, in advance, of two hundred dollars each, during her life.

3. I give and bequeath to Mrs. Jane Taylor, my present housekeeper, (the widow of the late Captain Alexander Taylor, who was master of my ship Helvetius, and died in my employment,) an annuity, or yearly sum, of five hundred dollars, to be paid in half yearly payments, in advance, of two hundred and fifty dollars each, during her life.

4. I give and bequeath to Mrs. S. Hesley, my housekeeper, at my place in Passyunk township, an annuity, or yearly sum, of five hundred dollars, to be paid in half yearly payments, in advance, of two hundred and fifty dollars each, during her life.

5. I give and bequeath to Marianne Hesley, daughter of Mrs. S. Hesley, an annuity, or yearly sum, of three hundred dollars, to be paid to her mother, for her use, in half yearly payments, in advance, of one hundred and fifty dollars each, until said Marianne shall have attained the age of twenty-one years, when the said annuity shall cease; and the said Marianne will receive the five hundred dollars, given to her and other indented persons, according to clause XVI of this will.

6. I give and bequeath to my late housekeeper, Mary Kenton, an annuity, or yearly sum, of three hundred dollars, to be paid in half yearly payments, in advance, of one hundred and fifty dollars each, during her life.

7. I give and bequeath to Mrs. Deborah Scott, sister of Mary Kenton, and wife of Mr. Edwin T. Scott, an annuity, or yearly sum, of three hundred dollars, to be paid in half yearly payments, in advance, of one hundred and fifty dollars each, during her life.

8. I give and bequeath to Mrs. Catharine McLaren, sister of Mary Kenton, and wife of Mr. M. McLaren, an annuity, or yearly sum, of three hundred dollars, to be paid in half yearly payments, in advance, of one hundred and fifty dollars each, during her life.

9. I give and bequeath to Mrs. Amelia G. Taylor, wife of Mr. Richard M. Taylor, an annuity, or yearly sum, of three hundred dollars, to be paid in half yearly payments, in advance, of one hundred and fifty dollars each, during her life.

XIX. All that part of my real and personal estate near Washita, in

the State of Louisiana, the said real estate consisting of upwards of two hundred and eight thousand arpents or acres of land, and including therein the settlement hereinafter mentioned, I give, devise, and bequeath as follows, viz: 1. I give, devise, and bequeath, to the corporation of the city of New Orleans, their successors and assigns, all that part of my real estate constituting the settlement formed on my behalf by my particular friend Judge Henry Bree, of Washita, consisting of upwards of one thousand arpens or acres of land, with the appurtenances and improvements thereon; and also all the personal estate thereto belonging, and thereon remaining, including upwards of thirty slaves now on said settlement, and their increase; in trust, however, and subject to the following reservations:

I desire that no part of the said estate or property, or the slaves thereon, or their increase, shall be disposed of or sold for the term of twenty years from and after my decease, should the said Judge Henry Bree survive me and live so long; but that the said settlement shall be kept up by the said Judge Henry Bree, for and during said term of twenty years, as if it was his own; that is, it shall remain under his sole care and control; he shall improve the same by raising such produce as he may deem most advisable; and, after paying taxes and all expenses in keeping up the settlement, by clothing the slaves and otherwise, he shall have and enjoy for his own use all the nett profits of said settlement: provided, however, and I desire, that the said Judge Henry Bree shall render, annually, to the corporation of the city of New Orleans, a report of the state of the settlement, the income and expenditure thereof, the number and increase of the slaves, and the nett result of the whole. I desire that, at the expiration of the said term of twenty years, or on the decease of the said Judge Henry Bree, should he not live so long, the land and improvements forming said settlement, the slaves thereon or thereto belonging, and all other appurtenant personal property, shall be sold as soon as the said corporation shall deem it advisable to do so; and the proceeds of the said sales shall be applied by the said corporation to such uses and purposes as they shall consider most likely to promote the health and general prosperity of the inhabitants of the city of New Orleans. But until the said sale shall be made, the said corporation shall pay all taxes, prevent waste or intrusion, and so manage the said settlement and the slaves, and their increase thereon, as to derive an income; and the said income shall be applied, from time to time, to the same uses and purposes for the health and general prosperity of the said inhabitants.

2. I give, devise, and bequeath, to the Mayor, Aldermen, and Citizens of Philadelphia, their successors and assigns, two undivided third parts of all the rest and residue of my said real estate, being the lands unimproved near Washita, in the said State of Louisiana, in trust that, in common with the corporation of the city of New Orleans, they shall pay the taxes on the said lands, and preserve them from waste or intrusion, for the term of ten years from and after my decease; and, at the end of the said term, when they shall deem it advisable to do so, shall sell and dispose of their interest in said lands gradually, from time

to time, and apply the proceeds of such sales to the same uses and purposes hereinafter declared and directed of and concerning the residue of my personal estate.

3. And I give, devise, and bequeath, to the corporation of the city of New Orleans, their successors and assigns, the remaining one undivided third part of the said lands, in trust, in common with the Mayor, Aldermen, and Citizens of Philadelphia, to pay the taxes on the said lands, and preserve them from waste and intrusion, for the term of ten years from and after my decease; and, at the end of the said term, when they shall deem it advisable to do so, to sell and dispose of their interest in said lands gradually, from time to time, and to apply the proceeds of such sales to such uses and purposes as the said corporation may consider most likely to promote the health and general prosperity of the inhabitants of the city of New Orleans.

XX. And whereas I have been for a long time impressed with the importance of educating the poor, and of placing them, by the early cultivation of their minds and the development of their moral principles, above the many temptations to which, through poverty and ignorance, they are exposed; and I am particularly desirous to provide, for such a number of poor male white orphan children as can be trained in one institution, a better education, as well as a more comfortable maintenance than they usually receive from the application of the public funds. And whereas, together with the object just adverted to, I have sincerely at heart the welfare of the city of Philadelphia, and, as a part of it, am desirous to improve the neighborhood of the river Delaware, so that the health of the citizens may be promoted and preserved, and that the eastern part of the city may be made to correspond better with the interior; now, I do give, devise, and bequeath all the residue and remainder of my real and personal estate, of every sort and kind, and wheresoever situate, (the real estate in Pennsylvania charged as aforesaid,) unto "the Mayor, Aldermen, and Citizens of Philadelphia," their successors and assigns, in trust, to and for the several uses, intents, and purposes hereinafter mentioned and declared of and concerning the same; that is to say, so far as regards my real estate in Pennsylvania, in trust, that no part thereof shall ever be sold or alienated by the said the Mayor, Aldermen, and Citizens of Philadelphia, or their successors; but the same shall forever thereafter be let, from time to time, to good tenants, at yearly or other rents, and upon leases in possession, not exceeding five years from the commencement thereof; and that the rents, issues, and profits arising therefrom shall be applied towards keeping that part of the said real estate situate in the city and liberties of Philadelphia constantly in good repair, (parts elsewhere situate to be kept in repair by the tenants thereof respectively,) and towards improving the same, whenever necessary, by erecting new buildings; and that the nett residue (after paying the several annuities herein before provided for) be applied to the same uses and purposes as are herein declared of and concerning the residue of my personal estate. And so far as regards my real estate in Kentucky, now under the care of

Messrs. Triplett and Burmley, in trust, to sell and dispose of the same whenever it may be expedient to do so, and to apply the proceeds of such sale to the same uses and purposes as are herein declared of and concerning the residue of my personal estate.

XXI. And so far as regards the residue of my personal estate, in trust, as to two millions of dollars, part thereof, to apply and expend so much of that sum as may be necessary, in erecting, as soon as practicable may be, in the centre of my square of ground between High and Chesnut streets, and Eleventh and Twelfth streets, in the city of Philadelphia, (which square of ground I hereby devote for the purposes hereinafter stated, and for no other, forever,) a permanent college, with suitable out-buildings, sufficiently spacious for the residence and accommodation of at least three hundred scholars and the requisite teachers and other persons necessary in such an institution as I direct to be established, and in supplying the said college and out-buildings with decent and suitable furniture, as well as books and all things needful to carry into effect my general design.

The said college shall be constructed with the most durable materials, and in the most permanent manner, avoiding needless ornament, and attending chiefly to the strength, convenience, and neatness of the whole. It shall be at least one hundred and ten feet east and west, and one hundred and sixty feet north and south, and shall be built on lines parallel with High and Chesnut streets and Eleventh and Twelfth streets, provided those lines shall constitute at their junction right angles. It shall be three stories in height; each story at least fifteen feet high in the clear from the floor to the cornice. It shall be fire proof inside and outside. The floors and the roof to be formed of solid materials, on arches turned on proper centres, so that no wood may be used, except for doors, windows, and shutters. Cellars shall be made under the whole building, solely for the purposes of the institution; the doors to them from the outside shall be on the east and west of the building, and access to them from the inside shall be had by steps, descending to the cellar floor from each of the entries or halls hereinafter mentioned, and the inside cellar doors to open under the stairs, on the northeast and northwest corners of the northern entry, and under the stairs on the southeast and southwest corners of the southern entry; there should be a cellar window under and in a line with each window in the first story; they should be built one-half below, the other half above, the surface of the ground, and the ground outside each window should be supported by stout walls; the sashes should open inside, on hinges, like doors, and there should be strong iron bars outside each window; the windows inside and outside should not be less than four feet wide in the clear. There shall be in each story four rooms, each room not less than fifty feet square in the clear; the four rooms on each floor or story, and the middle of the building north and south; so that in the north of the building, and in the south thereof, there may remain a space of equal dimensions for an entry or hall in each, for stairs and landings. In the northeast and in the northwest corners of the northern entry or hall on

the first floor, stairs shall be made so as to form a double stair-case, which shall be carried up through the several stories; and, in like manner, in the southeast and southwest corners of the southern entry or hall, stairs shall be made on the first floor, so as to form a double stair-case, to be carried up through the several stories; the steps of the stairs to be made of smooth white marble, with plain square edges, each step not to exceed nine inches in the rise, nor to be less than ten inches in the tread; the outside and inside foundation walls shall be at least ten feet high in the clear from the ground to the ceiling; the first floor shall be at least three feet above the level of the ground around the building, after that ground as that there shall be a gradual descent from the centre to the sides of the square formed by High and Chesnut and Eleventh and Twelfth streets; all the outside foundation walls, forming the cellars, shall be three feet and six inches thick up to the first floor, or as high as may be necessary to fix the centres for the first floor; and the inside foundation walls, running north and south, and the three inside foundation walls, running east and west, (intended to receive the interior walls for the four rooms, each not less than fifty square in the clear, above mentioned,) shall be three feet thick up to the first floor, or as high as may be necessary to fix the centres for the first floor, when carried so far up, the outside walls shall be reduced to two feet in thickness, leaving a recess outside of one foot, and inside, of six inches; and when carried so far up, the inside foundation walls shall also be reduced six inches on each side, to the thickness of two feet; centres shall then be fixed on the various recesses of six inches throughout, left for the purpose, the proper arches shall be turned, and the first floor laid; the outside and the inside walls shall then be carried up of the thickness of two feet throughout, as high as may be necessary to begin the recess intended to fix the centres for the second floor, that is, the floor for the four rooms, each not less than fifty feet square in the clear, and for the landing in the north, and the landing in the south of the building, where the stairs are to go up; at this stage of the work, a chain, composed of bars of inch square iron, each bar about ten feet long, and linked together by hooks formed of the ends of the bars, shall be laid straightly and horizontally along the several walls, and shall be as tightly as possible worked into the centre of them throughout, and shall be secured wherever necessary, especially at all the angles, by iron clamps solidly fastened, so as to prevent cracking or swerving in any part; centres shall then be laid, the proper arches turned for the second floor and landings, and the second floor and landings shall be laid; the outside and the inside walls shall then be carried up of the same thickness, of two feet throughout, as high as may be necessary to begin in the recess intended to fix the centres for the third floor and landings, and when so far carried up another chain, similar in all respects to that used at the second story, shall be in like manner worked into the walls throughout as tightly as possible, and clamped in the same way, with equal care; centres shall be formed, the proper arches turned, and the third floor and landings shall be laid; the outside and the inside walls shall then be carried up, of the same thickness of two feet throughout, as high as may be necessary to begin the

recess intended to fix the centres for the roof; and, when so carried up, a third chain, in all respects like those used at the second and third stories, shall, in the manner before described, be worked as tightly as possible into the walls throughout, and shall be clamped with equal care; centres shall now be fixed in the manner best adapted for the roof, which is to form the ceiling for the third story; the proper arches shall be turned, and the roof shall be laid as nearly horizontally as may be, consistently with the easy passage of water to the eaves; the outside walls, still of the thickness of two feet throughout, shall then be carried up about two feet above the level of the platform, and shall have marble capping, with a strong and neat iron railing thereon. The outside walls shall be faced with slabs or blocks of marble or granite, not less than two feet thick, and fastened together with clamps securely sunk therein; they shall be carried up flush from the recess of one foot, formed at the first floor, where the foundation outside wall is reduced to two feet. The floors and landings, as well as the roof, shall be covered with marble slabs, securely laid in mortar; the slabs on the roof to be twice as thick as those on the floors. In constructing the walls, as well as in turning the arches, and laying the floors, landing, and roof, good and strong mortar and grout shall be used, so that no cavity whatever may any where remain. A furnace, or furnaces, for the generation of heated air, shall be placed in the cellar, and the heated air shall be introduced in adequate quantity wherever wanted, by means of pipes and flues inserted and made for the purpose in the walls, and as those walls shall be constructed.

In case it shall be found expedient, for the purposes of a library, or otherwise, to increase the number of rooms by dividing any of those described to be not less than fifty feet square in the clear, into parts, the partition wall to be of solid materials; a room most suitable for the purpose shall be set apart for the reception and preservation of my books and papers, and I direct that they shall be placed there by my executors, and carefully preserved therein. There shall be two principal doors of entrance into the college, one into the entry or hall on the first floor, in the north of the building, and in the centre between the east and west walls; the other into the entry or hall in the south of the building, and in the centre between the east and west walls, the dimensions to be determined by a due regard to the size of the entire building, to that of the entry, and to the purposes of the doors. The necessity for, as well as the position and size of, other doors, internal or external, and also the position and size of the windows, to be, in like manner, decided on by a consideration of the uses to which the building is to be applied, the size of the building itself, and of the several rooms, and of the advantages of light and air; there should, in each instance, be double doors, those opening into the rooms to be what are termed glass doors, so as to increase the quantity of light for each room, and those opening outwards to be of substantial wood work, well lined and secured; the windows of the second and third stories I recommend to be made in the style of those in the first and second stories of my present

dwelling house, North Water street, on the eastern front thereof; and outside each window I recommend that a substantial and neat iron balcony be placed, sufficiently wide to admit the opening of the shutters against the walls; the windows of the lower story to be in the same style, except that they are not to descend to the floor, but so far as the surbase, up to which the wall is to be carried, as is the case in the lower story of my house at my place in Passyunk township. In minute particular, not here noticed, utility and good taste should determine. There should be at least four out-buildings, detached from the main edifice and from each other, and in such positions as shall at once answer the purposes of the institution, and be consistent with the symmetry of the whole establishment; each building should be, as far as practicable, devoted to a distinct purpose; in that one or more of those buildings in which they may be most useful, I direct my executors to place my plate and furniture of every sort.

The entire square formed by High and Chesnut streets, and Eleventh and Twelfth streets, shall be enclosed with a solid wall, at least fourteen inches thick, and ten feet high, capped with marble and guarded with irons on the top, so as to prevent persons from getting over; there shall be two places of entrance into the square, one in the centre of the wall facing High street, and the other in the centre of the wall facing Chesnut street; at each place of entrance there shall be two gates, one opening inward, and the other outward; those opening inward to be of iron, and in the style of the gates north and south of my banking house; and those opening outward to be of substantial wood work, well lined and secured on the faces thereof with sheet iron. The messuages now erected on the southeast corner of High and Twelfth streets, and on Twelfth street, to be taken down and removed as soon as the college and out-buildings shall have been erected, so that the establishment may be rendered secure and private.

When the college and appurtenances shall have been constructed and supplied with plain and suitable furniture and books, philosophical and experimental instruments and apparatus, and all other matters needful to carry my general design into execution, the income, issues, and profits of so much of the said sum of two millions of dollars as shall remain unexpended, shall be applied to maintain the said college according to my directions.

1. The institution shall be organized as soon as practicable, and to accomplish that purpose more effectually, due public notice of the intended opening of the college shall be given—so that there may be an opportunity to make selections of competent instructers and other agents, and those who may have the charge of orphans may be aware of the provision intended for them.

2. A competent number of instructers, teachers, assistants, and other necessary agents, shall be selected, and when needful, their places from time to time supplied; they shall receive adequate compensation for their services, but no person shall be employed who shall not be of tried skill in his or her proper department, of established moral character;

and in all cases persons shall be chosen on account of their merit, and not through favor or intrigue.

3. As many poor white male orphans, between the ages of six and ten years, as the said income shall be adequate to maintain, shall be introduced into the college as soon as possible; and from time to time, as there may be vacancies, or as increased ability from income may warrant, others shall be introduced.

4. On the application for admission, an accurate statement should be taken, in a book prepared for the purpose, of the name, birth-place, age, health, condition as to relatives, and other particulars, useful to be known of each orphan.

5. No orphan should be admitted until the guardians or directors of the poor, or a proper guardian or other competent authority, shall have given, by indenture, relinquishment, or otherwise, adequate power to the Mayor, Aldermen, and Citizens of Philadelphia, or to directors or others by them appointed, to enforce in relation to each orphan every proper restraint, and to prevent relatives or others from interfering with, or withdrawing such orphans from, the institution.

6. Those orphans for whose admission application shall first be made, shall be first introduced, all other things concurring; and at all future times, priority of application shall entitle the applicant to preference in admission, all other things concurring; but if there shall be at any time more applicants than vacancies, and the applying orphans shall have been born in different places, a preference shall be given, *first*, to orphans born in the city of Philadelphia; *secondly*, to those born in any other part of Pennsylvania; *thirdly*, to those born in the city of New York, (that being the first port on the continent of North America at which I arrived;) and, *lastly*, to those born in the city of New Orleans, being the first port on the said continent at which I first traded, in the first instance as first officer, and subsequently as master and part owner of a vessel and cargo.

7. The orphans admitted into the college shall be there fed with plain but wholesome food, clothed with plain but decent apparel, (no distinctive dress ever to be worn,) and lodged in a plain but safe manner. Due regard shall be paid to their health, and to this end their persons and clothes shall be kept clean, and they shall have suitable and rational exercise and recreation; they shall be instructed in the various branches of a sound education, comprehending reading, writing, grammar, arithmetic, geography, navigation, surveying, practical mathematics, astronomy, natural, chemical, and experimental philosophy, the French and Spanish languages, (I do not forbid, but I do not recommend, the Greek and Latin languages,) and such other learning and science as the capacities of the several scholars may merit or warrant. I would have them taught facts and things, rather than words or signs; and, especially, I desire that, by every proper means, a pure attachment to our republican institutions, and to the sacred rights of conscience, as guarantied by our happy constitutions, shall be formed and fostered in the minds of the scholars.

8. Should it unfortunately happen that any of the orphans admitted into the college shall, from malconduct, have become unfit companions for the rest, and mild means of reformation prove abortive, they should no longer remain therein.

9. Those scholars who shall merit it, shall remain in the college until they shall respectively arrive at between fourteen and eighteen years of age; they shall then be bound out by the Mayor, Aldermen, and Citizens of Philadelphia, or under their direction, to suitable occupations, as those of agriculture, navigation, arts, mechanical trades, and manufactures, according to the capacities and acquirements of the scholars respectively, consulting, as far as prudence shall justify it, the inclinations of the several scholars as to the occupation, art, or trade to be learned.

In relation to the organization of the college and its appendages, I leave, necessarily, many details to the Mayor, Aldermen, and Citizens of Philadelphia, and their successors; and I do so with the more confidence, as, from the nature of my bequests and the benefit to result from them, I trust that my fellow-citizens of Philadelphia will observe and evince especial care and anxiety in selecting members for their city councils and other agents.

There are, however, some restrictions which I consider it my duty to prescribe, and to be, amongst others, conditions on which my bequest for said college is made and to be enjoined, namely: First. I enjoin and require that if, at the close of any year, the income of the fund devoted to the purposes of the said college shall be more than sufficient for the maintenance of the institution during that year, then the balance of the said income, after defraying such maintenance, shall be forthwith invested in good securities, thereafter to be and remain a part of the capital; but in no event shall any part of the said capital be sold, disposed of, or pledged, to meet the current expenses of the said institution, to which I devote the interest, income, and dividends thereof exclusively. Secondly. I enjoin and require that no ecclesiastic, missionary, or minister of any sect whatsoever, shall ever hold or exercise any station or duty whatever in the said college; nor shall any such person ever be admitted, for any purpose, or as a visiter, within the premises appropriated to the purposes of the said college. In making this restriction, I do not mean to cast any reflection upon any sect or person whatsoever; but, as there is such a multitude of sects, and such a diversity of opinion amongst them, I desire to keep the tender minds of the orphans, who are to derive advantage from this bequest, free from the excitements which clashing doctrines and sectarian controversy are so apt to produce; my desire is, that all the instructers and teachers in the college shall take pains to instil into the minds of the scholars the purest principles of morality, so that, on their entrance into active life, they may, from inclination and habit, evince benevolence towards their fellow creatures, and a love of truth, sobriety, and industry, adopting, at the same time, such religious tenets as their matured reason may enable them to prefer. If the income arising from that part

of the said sum of two millions of dollars, remaining after the construction and furnishing of the college and out-buildings, shall, owing to the increase of the number of orphans applying for admission or other cause, be inadequate to the construction of new buildings, or the maintenance and education of as many orphans as may apply for admission, then such further sum as may be necessary for the construction of new buildings and the maintenance and education of such further number of orphans as can be maintained and instructed within such buildings as the said square of ground shall be adequate to, shall be taken from the final residuary fund, hereinafter expressly referred to for the purpose, comprehending the income of my real estate in the city and county of Philadelphia, and the dividends of my stock in the Schuylkill Navigation Company. My design and desire being that the benefits of said institution shall be extended to as great a number of orphans as the limits of the said square and buildings therein can accommodate.

XXII. And as to the further sum of five hundred thousand dollars, part of the residue of my personal estate, in trust, to invest the same securely, and to keep the same so invested, and to apply the income thereof exclusively to the following purposes, that is to say—

1. To lay out, regulate, curb, light, and pave a passage or street, on the east part of the city of Philadelphia, fronting the river Delaware, not less than twenty-one feet wide, and to be called Delaware Avenue, extending from South or Cedar street, all along the east part of Water street squares, and the west side of the logs which form the heads of the docks, or thereabouts; and, to this intent, to obtain such acts of assembly, and to make such purchases or agreements, as will enable the Mayor, Aldermen, and Citizens of Philadelphia to remove or pull down all the buildings, fences, and obstructions which may be in the way, and to prohibit all buildings, fences, or erections of any kind to the eastward of said avenue; to fill up the heads of such of the docks as may not afford sufficient room for the said street; to compel the owners of wharves to keep them clean and covered completely with gravel or other hard materials, and to be so levelled that water will not remain thereon after a shower of rain; to completely clean and keep clean all the docks within the limits of the city fronting on the Delaware, and to pull down all platforms carried out, from the east part of the city, over the river Delaware on piles or pillars.

2. To pull down and remove all wooden buildings, as well those made of wood and other combustible materials as those called brick-paned or frame buildings filled in with bricks, that are erected within the limits of the city of Philadelphia, and also to prohibit the erection of any such buildings within the said city's limits at any future time.

3. To regulate, widen, pave, and curb Water street, and to distribute the Schuylkill water therein upon the following plan, that is to say: that Water street be widened east and west from Vine street all the way to South street, in like manner as it is from the front of my dwelling to the front of my stores on the west side of Water street, and

the regulation of the curbstones continued at the same distance from one another as they are at present opposite to the said dwelling and stores, so that the regulation of the said street be not less than thirty-nine feet wide, and afford a large and convenient footway, clear of obstructions and incumbrances of every nature; and the cellar doors on which, if any shall be permitted, not to extend from the buildings on the footway more than four feet; the said width to be increased gradually as the fund shall permit, and as the capacity to remove impediments shall increase, until there shall be a correct and permanent regulation of Water street on the principles above stated, so that it may run north and south as straight as possible.

That the ten feet middle alleys belonging to the public, and running from the centre of the east squares to Front street, all the way down across Water street to the river Delaware, be kept open and cleaned as city property, all the way from Vine to South street; that such part of each centre or middle alley, as runs from Front to Water street, be arched over with bricks or stone, in so strong a manner as to facilitate the building of plain and permanent stone steps and platforms, so that they may be washed and kept constantly cleaned; and that the continuance of the said alleys, from the east side of Water street, be curbed all the way to the river Delaware, and kept open forever.

(I understand that those middle or centre alleys, were left open in the first plan of the lots on the east front of the city, which were granted from the east side of Front street to the river Delaware, and that each lot on said east front has contributed to make those alleys, by giving a part of their ground in proportion to the size of each lot. Those alleys were in the first instance, and still are, considered public property, intended for the convenience of the inhabitants residing in Front street to go down to the river for water, and other purposes; but, owing to neglect, or some other cause, on the part of those who have had the care of the city property, several encroachments have been made on them by individuals, by wholly occupying or building over them, or otherwise; and in that way the inhabitants, more particularly those who reside in the neighborhood, are deprived of the benefit of that wholesome air which their opening and cleansing throughout would afford.)

That the iron pipes in Water street, which, by being of smaller size than those in the other streets, and too near the surface of the ground, cause constant leaks, particularly in the winter season, which, in many places, render the street impassable, to be taken up and replaced by laid pipes of the same size, quality, and dimensions, in every respect, and down as deeply from the surface of the ground as the iron pipes which are laid in the main streets of the city; and as it respects pumps for Schuylkill water, and fire-plugs in Water street, that on[e of] each be fixed at the southwest corner of Vine and Water streets, and so running southward; one of each near the steps of the centre alley going up to Front street; one of each at the southwest corner of Sassafras and Water streets; one of each near the steps of the centre alley going up to Front street; and so on at every southwest corner of all the main streets

and Water street, and of the centre alleys of every square, as far as South or Cedar street; and when the same shall have been completed, that all Water street shall be repaved by the best workmen, in the most complete manner, with the best paving water stones, after the height of the curbstones shall have been regulated throughout, as well as the ascent and descent of the street, in such manner as to conduct the water through the main streets and the centre alley to the river Delaware, as far as practicable; and whenever any part of the street shall want to be raised, to use nothing but good paving gravel for that purpose, so as to make the paving as permanent as possible. By all which improvements, it is my intention to place and maintain the section of the city above referred to in a condition which will correspond better with the general cleanness and appearance of the whole city, and be more consistent with the safety, health, and comfort of the citizens. And my mind and will are, that all the income, interest, and dividends, of the said capital sum of five hundred thousand dollars, shall be yearly, and every year, expended upon the said objects, in the order in which I have stated them, as closely as possible, and upon no other objects until those enumerated shall have been attained; and, when those objects shall have been accomplished, I authorize and direct the said the Mayor, Aldermen, and Citizens, to apply such part of the income of the said capital sum of five hundred thousand dollars, as they may think proper, to the further improvement, from time to time, of the eastern or Delaware front of the city.

XXIII. I give and bequeath to the Commonwealth of Pennsylvania the sum of three hundred thousand dollars, for the purposes of internal improvement by canal navigation; to be paid into the State treasury by my executors as soon as such laws shall have been enacted by the constituted authorities of the said Commonwealth as shall be necessary and amply sufficient to carry into effect, or to enable the constituted authorities of the city of Philadelphia to carry into effect, the several improvements above specified, namely:

1. Laws, to cause Delaware avenue, as above described, to be made, paved, curbed, and lighted; to cause the buildings, fences, and other obstructions now existing to be abated and removed; and to prohibit the erection of any such obstructions to the eastward of said Delaware avenue.

2. Laws, to cause all wooden buildings, as above described, to be removed, and to prohibit their future erection within the limits of the city of Philadelphia.

3. Laws, providing for the gradual widening, regulating, paving, and curbing Water street, as herein before described, and also for the repairing the middle alleys, and introducing the Schuylkill water and pumps, as before specified. All which objects may, I persuade myself, be accomplished on principles at once just in relation to individuals and highly beneficial to the public; the said sum, however, not to be paid, unless said laws be passed within one year after my decease.

XXIV. And as it regards the remainder of said residue of my pes-

the regulation of the curbstones continued at the same distance from one another as they are at present opposite to the said dwelling and stores, so that the regulation of the said street be not less than thirty-nine feet wide, and afford a large and convenient footway, clear of obstructions and incumbrances of every nature; and the cellar doors on which, if any shall be permitted, not to extend from the buildings on the footway more than four feet; the said width to be increased gradually as the fund shall permit, and as the capacity to remove impediments shall increase, until there shall be a correct and permanent regulation of Water street on the principles above stated, so that it may run north and south as straight as possible.

That the ten feet middle alleys belonging to the public, and running from the centre of the east squares to Front street, all the way down across Water street to the river Delaware, be kept open and cleaned as city property, all the way from Vine to South street; that such part of each centre or middle alley, as runs from Front to Water street, be arched over with bricks or stone, in so strong a manner as to facilitate the building of plain and permanent stone steps and platforms, so that they may be washed and kept constantly cleaned; and that the continuance of the said alleys, from the east side of Water street, be curbed all the way to the river Delaware, and kept open forever.

(I understand that those middle or centre alleys, were left open in the first plan of the lots on the east front of the city, which were granted from the east side of Front street to the river Delaware, and that each lot on said east front has contributed to make those alleys, by giving a part of their ground in proportion to the size of each lot. Those alleys were in the first instance, and still are, considered public property, intended for the convenience of the inhabitants residing in Front street to go down to the river for water, and other purposes; but, owing to neglect, or some other cause, on the part of those who have had the care of the city property, several encroachments have been made on them by individuals, by wholly occupying or building over them, or otherwise; and in that way the inhabitants, more particularly those who reside in the neighborhood, are deprived of the benefit of that wholesome air which their opening and cleansing throughout would afford.)

That the iron pipes in Water street, which, by being of smaller size than those in the other streets, and too near the surface of the ground, cause constant leaks, particularly in the winter season, which, in many places, render the street impassable, to be taken up and replaced by laid pipes of the same size, quality, and dimensions, in every respect, and down as deeply from the surface of the ground as the iron pipes which are laid in the main streets of the city; and as it respects pumps for Schuylkill water, and fire-plugs in Water street, that on[e of] each be fixed at the southwest corner of Vine and Water streets, and so running southward; one of each near the steps of the centre alley going up to Front street; one of each at the southwest corner of Sassafras and Water streets; one of each near the steps of the centre alley going up to Front street; and so on at every southwest corner of all the main streets

and Water street, and of the centre alleys of every square, as far as South or Cedar street; and when the same shall have been completed, that all Water street shall be repaved by the best workmen, in the most complete manner, with the best paving water stones, after the height of the curbstones shall have been regulated throughout, as well as the ascent and descent of the street, in such manner as to conduct the water through the main streets and the centre alley to the river Delaware, as far as practicable; and whenever any part of the street shall want to be raised, to use nothing but good paving gravel for that purpose, so as to make the paving as permanent as possible. By all which improvements, it is my intention to place and maintain the section of the city above referred to in a condition which will correspond better with the general cleanness and appearance of the whole city, and be more consistent with the safety, health, and comfort of the citizens. And my mind and will are, that all the income, interest, and dividends, of the said capital sum of five hundred thousand dollars, shall be yearly, and every year, expended upon the said objects, in the order in which I have stated them, as closely as possible, and upon no other objects until those enumerated shall have been attained; and, when those objects shall have been accomplished, I authorize and direct the said the Mayor, Aldermen, and Citizens, to apply such part of the income of the said capital sum of five hundred thousand dollars, as they may think proper, to the further improvement, from time to time, of the eastern or Delaware front of the city.

XXIII. I give and bequeath to the Commonwealth of Pennsylvania the sum of three hundred thousand dollars, for the purposes of internal improvement by canal navigation; to be paid into the State treasury by my executors as soon as such laws shall have been enacted by the constituted authorities of the said Commonwealth as shall be necessary and amply sufficient to carry into effect, or to enable the constituted authorities of the city of Philadelphia to carry into effect, the several improvements above specified, namely:

1. Laws, to cause Delaware avenue, as above described, to be made, paved, curbed, and lighted; to cause the buildings, fences, and other obstructions now existing to be abated and removed; and to prohibit the erection of any such obstructions to the eastward of said Delaware avenue.

2. Laws, to cause all wooden buildings, as above described, to be removed, and to prohibit their future erection within the limits of the city of Philadelphia.

3. Laws, providing for the gradual widening, regulating, paving, and curbing Water street, as herein before described, and also for the repairing the middle alleys, and introducing the Schuylkill water and pumps, as before specified. All which objects may, I persuade myself, be accomplished on principles at once just in relation to individuals and highly beneficial to the public; the said sum, however, not to be paid, unless said laws be passed within one year after my decease.

XXIV. And as it regards the remainder of said residue of my per-

sonal estate, in trust, to invest the same in good securities, and in like manner to invest the interest and income thereof from time to time, so that the whole shall form a permanent fund; and to apply the income of the said fund—

1. To the further improvement and maintenance of the aforesaid college, as directed in the last paragraph of the XXIst clause of this will.

2. To enable the corporation of the city of Philadelphia to provide more effectually than they now do, for the security of the persons and property of the inhabitants of the said city, by a competent police, including a sufficient number of watchmen, really suited to the purpose; and, to this end, I recommend a division of the city into watch districts, or four parts, each under a proper head, and that at least two watchmen shall, in each round or station, patrol together.

3. To enable the said corporation to improve the city property, and the general appearance of the city itself, and, in effect, to diminish the burden of taxation, now most oppressive, especially on those who are the least able to bear it.

To all which objects, the prosperity of the city, and the health and comfort of its inhabitants, I devote the said fund as aforesaid, and direct the income thereof to be applied yearly, and every year, forever, after providing for the college, as hereinbefore directed, as my primary object. But if the said city shall knowingly and wilfully violate any of the conditions hereinbefore and hereinafter mentioned, then I give and bequeath the said remainder and accumulations to the Commonwealth of Pennsylvania, for the purposes of internal navigation; excepting, however, the rents, issues, and profits of my real estate in the city and county of Philadelphia, which shall forever be reserved and applied to maintain the aforesaid college, in the manner specified in the last paragraph of the XXIst clause of this will. And if the Commonwealth of Pennsylvania shall fail to apply this or the preceding bequest to the purposes before mentioned; or shall apply any part thereof to any other use; or shall, for the term of one year, from the time of my decease, fail or omit to pass the laws hereinbefore specified for promoting the improvement of the city of Philadelphia, then I give, devise, and bequeath the said remainder and accumulations (the rents aforesaid always excepted and reserved for the college as aforesaid) to the United States of America, for the purposes of internal navigation, and no other.

Provided, nevertheless, and I do hereby declare, that all the preceding bequests and devises of the residue of my estate to the Mayor, Aldermen, and Citizens of Philadelphia, are made upon the following express conditions, that is to say: First. That none of the moneys, principal, interest, dividends, or rents, arising from the said residuary devise and bequest, shall at any time be applied to any other purpose or purposes whatever than those herein mentioned and appointed. Second. That separate accounts, distinct from the other accounts of the corporation, shall be kept by the said corporation concerning the said devise, bequest, college, and funds, and of the investment and ap-

plication thereof; and that a separate account or accounts of the same shall be kept in bank, not blended with any other account, so that it may at all times appear, on examination by a committee of the legislature as hereinafter mentioned, that my intentions had been fully complied with. Third. That the said corporation render a detailed account annually, in duplicate, to the legislature of the Commonwealth of Pennsylvania, at the commencement of the session, one copy for the Senate, and the other for the House of Representatives, concerning the said devised and bequeathed estate, and the investment and application of the same, and also a report, in like manner, of the state of the said college; and shall submit all their books, papers, and accounts touching the same to a committee or committees of the legislature for examination, when the same shall be required. Fourth. The said corporation shall also cause to be published, in the month of January, annually, in two or more newspapers, printed in the city of Philadelphia, a concise but plain account of the state of the trusts, devises, and bequests herein declared and made, comprehending the condition of the said college, the number of scholars, and other particulars needful to be publicly known, for the year next preceding the said month of January, annually.

XXV. And whereas I have executed an assignment in trust of my banking establishment, to take effect the day before my decease, to the intent that all the concerns thereof may be closed by themselves, without being blended with the concerns of my general estate, and the balance remaining to be paid over to my executors: Now, I do hereby direct my executors hereinafter mentioned not to interfere with the said trust in any way, except to see that the same is faithfully executed, and to aid the execution thereof by all such acts and deeds as may be necessary and expedient to effectuate the same, so that it may be speedily closed, and the balance paid over to my executors, to go, as in my will, into the residue of my estate. And I do hereby authorize, direct, and empower the said trustees, from time to time, as the capital of the said bank shall be received, and shall not be wanted for the discharge of the debts due thereat, to invest the same in good securities, in the names of my executors, and to hand over the same to them, to be disposed of according to this my will.

XXVI. Lastly, I do hereby nominate and appoint Timothy Paxson, Thomas P. Cope, Joseph Roberts, William J. Duane, and John A. Barclay executors of this my last will and testament. I recommend to them to close the concerns of my estate as expeditiously as possible, and to see that my intentions in respect to the residue of my estate are and shall be strictly complied with; and I do hereby revoke all other wills by me heretofore made.

In witness I, the said Stephen Girard, have to this, my last will and testament, contained in thirty-five pages, set my hand at the bottom of each page, and my hand and seal at the bottom of this page; the said will executed, from motives of prudence, in duplicate, this sixteenth day of February, in the year one thousand eight hundred and thirty.

STEPHEN GIRARD. [SEAL.]

Signed, sealed, published, and declared by the said Stephen Girard, as and for his last will and testament, in the presence of us, who have at his request hereunto subscribed our names as witnesses thereto, in the presence of the said testator and of each other. Feb. 16, 1830.

JOHN H. IRWIN,
SAMUEL ARTHUR,
S. H. CARPENTER.

Whereas I, Stephen Girard, the testator named in the foregoing will and testament, dated the 16th day of February, eighteen hundred and thirty, have, since the execution thereof, purchased several parcels and pieces of real estate, and have built sundry messuages, all which, as well as any real estate that I may hereafter purchase, it is my wish and intention to pass by the said will: Now, I do hereby republish the foregoing last will and testament, dated February 16, 1830, and do confirm the same in all particulars.

In witness I, the said Stephen Girard, set my hand and seal hereunto, the twenty-fifth day of December, eighteen hundred and thirty.

STEPHEN GIRARD. [SEAL.]

Signed, sealed, published, and declared by the said Stephen Girard, as and for a republication of his last will and testament, in the presence of us, who, at his request, have hereunto subscribed our names as witnesses thereto, in the presence of the said testator and of each other. December 25th, 1830.

JOHN H. IRVIN,
SAMUEL ARTHUR,
JNO. THOMSON.

Whereas, I, Stephen Girard, the testator named in the foregoing will and testament, dated February 16, 1830, have, since the execution thereof, purchased several parcels and pieces of land and real estate, and have built sundry messuages, all which, as well as any real estate that I may hereafter purchase, it is my intention to pass by said will; and whereas, in particular, I have recently purchased from Mr. William Parker the mansion house, out-buildings, and forty-five acres and some perches of land, called Peel Hall, on the Ridge road, in Penn township: Now, I declare it to be my intention, and I direct, that the orphan establishment, provided for in my said will, instead of being built as therein directed upon my square of ground between High and Chesnut and Eleventh and Twelfth streets in the city of Philadelphia, shall be built upon the estate so purchased from Mr. W. Parker; and I hereby devote the said estate to that purpose exclusively, in the same manner as I had devoted the said square; hereby directing that all the improvements and arrangements for the said orphan establishment, prescribed by my said will as to said square, shall be made and executed upon the said estate, just as if I had in my will devoted the said estate to said purpose; consequently, the said square of ground is to constitute,

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and I declare it to be, a part of the residue and remainder of my real and personal estate, and given and devised for the same uses and purposes as are declared in section XX of my will; it being my intention that the said square of ground shall be built upon and improved in such a manner as to secure a safe and permanent income for the purposes stated in said XXth section.

In witness whereof I, the said Stephen Girard, set my hand and seal hereunto, the twentieth day of June, eighteen hundred and thirty-one.

STEPHEN GIRARD. [SEAL.]

Signed, sealed, published, and declared by the said Stephen Girard, as and for a republication of this last will and testament, and a further direction in relation to the real estate therein mentioned, in the presence of us, who, at his request, have hereunto subscribed our names as witnesses thereto, in the presence of the said testator and of each other. June 20, 1831.

S. H. CARPENTER,
L. BARDIN,
SAMUEL ARTHUR.

Philadelphia, December 31st, 1831. Then personally appeared Samuel Arthur and S. H. Carpenter, two of the witnesses to the foregoing will and the second codicil or republication thereof, and on their oaths did say, that they were present, and did see and hear Stephen Girard, the testator in the said will and second republication thereof named, sign, seal, publish, and declare the same as and for his last will and testament and republication thereof, and that, at the doing thereof, he was of sound mind, memory, and understanding to the best of their knowledge and belief; and at the same time appeared Jno. Thomson, one of the witnesses to the first republication of said will, and, on his solemn affirmation, did say that he was present, and did see and hear Stephen Girard, the testator in the republication of said will named, sign, seal, publish, and declare the same as and for a republication of his last will and testament; and the said Samuel Arthur, another of the witnesses to said first republication of said will, on his oath did further say, that that he was present, and did see and hear Stephen Girard, the testator in the first republication of said will named, sign, seal, publish, and declare the same as and for a republication of his last will and testament; and they both did say that, at the doing thereof, he was of sound mind, memory, and understanding, to the best of their knowledge and belief.

Coram: J. HUMES, *Register*.

December 31, 1831. Timothy Paxson and Thomas P. Cope, two of the executors, affirmed, and Joseph Roberts, William J. Duane, and John A. Barclay, the other executors, sworn, and letters testamentary granted unto them.

CITY OF PHILADELPHIA,
Commonwealth of Pennsylvania, ss:

I, John Gest, register for the probate of wills and for granting letters of administration in and for the city and county of Philadelphia, do hereby certify the aforegoing printed document upon thirty-six pages to be a true copy of the last will and testa- [SEAL.] ment, together with the codicils and republications thereof and thereto, as well as the probate thereon, as filed in our said register's office, and recorded in Will book No. 10, page 198, &c., in and for said city and county, of Stephen Girard, late of the city of Philadelphia, deceased.

Given under my hand and the seal of our said office, this second day of December, in the year of our Lord one thousand eight hundred and thirty-six. 1836.

JOHN GEST, *Register.*

COMMONWEALTH OF PENNSYLVANIA,
Philadelphia county, ss:

I, Edward King, president of the first judicial district of Pennsylvania, and presiding judge of the court of common pleas and court of general quarter sessions of the peace in and for the county aforesaid, do certify, that the foregoing certificate and attestation, made by John Gest, esquire, register for the probate of wills and for granting letters of administration in and for the city and county of Philadelphia, is in due form of law, and made by the proper officer.

Witness my hand and seal, at Philadelphia, this second day of December, A. D. 1836.

EDWARD KING, [SEAL.]
President, judge, &c., &c., 1st judicial district of the State of Pennsylvania, &c., &c.

PENNSYLVANIA COUNTY, *ss:*

I, Robert Morris, prothonotary of the court of common pleas of Philadelphia county, do certify, that the honorable Edw. King, by whom the foregoing certificate was made and given, and who has thereunto subscribed his name, was at the time of so doing, and still is, president of the first judicial district of Pennsylvania, and presiding judge of the court of common pleas and court of general quarter sessions of the peace in and for the county aforesaid, duly commissioned and qualified to act; [to] whose acts as such full faith and credit are and ought to be given, as well in courts of judicature as elsewhere.

In testimony whereof I have hereunto set my hand and affixed the [SEAL.] seal of said court, this second day of December, A. D. 1836.

ROBERT MORRIS, *Prothon.*

STATE OF LOUISIANA, *parish of Ouachita:*

Probate court, September 25th, 1832.

Be it remembered, that on this twenty-fifth day of September, anno domini one thousand eight hundred and thirty-two, that the honorable

Henry Bry, a resident of the parish of Ouachita, in the State of Louisiana, presented to the honorable the court of probates of the parish of Ouachita, a legally and duly authenticated copy of the last will and testament, and two codicils thereto, of the late Stephen Girard, deceased, as well as the probate thereof, by the proper officer and register for the probate of wills, and granting letters, &c., &c., &c., in and for the city and county of Philadelphia, in the Commonwealth of Pennsylvania, to be recorded and ordered to be executed, with all and singular its clauses and effects, according to the tenor and dispositions thereof, according to the existing laws of said State, the honorable Henry Bry acting herein as the attorney in fact, with full power, as executed by him, duly authorized, and herewith recorded, of the Mayor, Aldermen, and Citizens of the corporation of the city of Philadelphia, and of the Mayor of the city of New Orleans, acting as such, and in the name and behalf of the corporation of said city, and in his own name, behalf, and proper person; all of whom being special legatees and devises, under and by said last will, testament, and codicils of the said Stephen Girard, deceased, late of the city and county of Philadelphia, in the Commonwealth of Pennsylvania: Therefore, it is ordered, that the said last will and testament, and the codicils thereto annexed, and the probate thereof, be filed, recorded, and executed, with all and singular its clauses and effects, according to the tenor and dispositions thereof.

In testimony whereof I have signed my name and affixed my seal of office, on this twenty-fifth day of September, anno domini one thousand eight hundred and thirty-two, and of the independence of the United States the fifty-seventh.

(Signed) LEWIS F. LAMY, [L. S.]
Parish judge and ex officio judge of probates.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Lewis F. Lamy, parish judge and ex officio judge of the court of probates, in and for said parish and State, do hereby certify, that the within and foregoing process verbal, together with all and singular the annexed will and testament and codicils thereto attached, to be duly recorded in my office, in Probate book E, folio 94.

In testimony whereof I have hereto signed my name and affixed my seal of office, on this 25th day of September, A. D. 1832.

(Signed) LEWIS F. LAMY, [L. S.]
Parish judge.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Charles H. Morrison, recorder and ex officio notary public in and for said parish and State, do hereby certify, that the above and foregoing is a true and correct copy of the original order, procès verbal, and certificate of record of the last will, testament, and codicils of the late Stephen Girard, deceased, now on file and of record in my office. I have attached this to a copy of said will, testament, and codicils handed me by the honorable Henry Bry.

Given under my hand and seal of office, on this 11th day of January, A. D. 1847.

[SEAL.]

C. H. MORRISON, *Recorder.*

And afterwards, to wit, on the 1st day of June, 1846, the following citation was issued from the clerk's office:

United States district court, sitting in and for the district of Louisiana, to the marshal for the district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded to summon S. W. Downs, U. S. district attorney, to appear before the honorable judge of the district court of the United States, sitting in and for the district of Louisiana, at a district court to be holden at New Orleans, on the first Monday of July, 1846, then and there to answer a petition in chancery, filed against the United States, wherein the Mayor, Aldermen, and Citizens of Philadelphia, and the Mayor, Aldermen, and Inhabitants of the city of New Orleans, are petitioners, and the United States is respondent. Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable T. H. McCaleb, judge, this first day of June, New Orleans, 1846, and 70th year of American independence.

[SEAL.]

N. R. JENNINGS, *Clerk.*

By L. E. SIMONDS, *Deputy Clerk.*

Memorandum.—The respondent is to enter his appearance in the above entitled cause in the clerk's office on or before the first Monday of July, 1846, otherwise the petition may be taken pro confesso.

Marshal's return on the foregoing citation.

Received this 3d day of June, 1846, and on the same day served copies of the within citation, plaintiff's petition and documents annexed, on the within named S. W. Downs, in person, at New Orleans. Returned 3d June, 1846.

W. F. WAGNER, *U. S. Marshal.*

And afterwards, to wit, on the 17th of June, 1846, the following entry was made of record:

MAYOR, &c., of Philadelphia and of New Orleans
vs.
THE UNITED STATES. } 21.

On motion of Geo. Strawbridge, of counsel for petitioners, and with the consent of S. W. Downs, esq., district attorney, it is ordered that either party may take out commissions to take testimony without further formality.

And it is by the said counsel in open court agreed that the depositions of witnesses, or copies thereof taken under a commission issued from the first judicial district court of this State, to the State of New York, in the suit of the Heirs of Morehouse vs. The Cities of Philadel-

phia and New Orleans, to prove the marriage and heirship of Abigail Young and of Andrew Y. and George Y. Morehouse to the said Abraham, as also his identity, shall be received in evidence on the trial of this cause.

And afterwards, to wit, on the 5th day of November, 1846, the following answer of the United States district attorney, Thomas J. Durant, esq., was filed in the clerk's office:

THE CITIES of New Orleans and Philadelphia
vs.
THE UNITED STATES.

District court of the United States, for the district of Louisiana.

The defendants now come, and for answer deny all and singular the facts and allegations of plaintiffs' petition. Wherefore they pray that the suit of plaintiffs may be dismissed at their costs.

THOMAS J. DURANT, *Attorney*.

And afterwards, to wit, on the 23d December, 1846, the following entry was made of record:

MAYOR, Aldermen, &c., of Philadelphia and New Orleans
vs.
THE UNITED STATES.

On motion of H. H. Strawbridge, esq., for plaintiffs, it is ordered that they be permitted to withdraw from the record the documents marked B, D, AA, OO, four in number, on receipting therefor to the clerk, the same to be replaced on or before trial.

And afterwards, to wit, on the 9th of January, 1847, the following entry was made of record:

MAYOR, Aldermen, &c., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.

Upon motion of H. H. Strawbridge, esq., of counsel for plaintiffs, it is ordered that commissions be issued herein, addressed to P. McEnery, justice of the peace in and for the parish of Ouachita, Louisiana, or to any other magistrate in said parish, and to the consul, vice consul, or deputy consul of the United States in the Island of Cuba, to take the evidence of witnesses residing in said places. It is further ordered that the latter commissioner be empowered also to act as translator, and reduce the depositions to writing in the English language.

And afterwards, to wit, on the 27th of January, 1847, the following agreement of counsel was filed in the clerk's office:

CITIES OF PHILADELPHIA and NEW ORLEANS
vs.
THE UNITED STATES.

No. 21 on the docket of land suits in the [district] court of the United States, of the district of Louisiana.

The parties to the present suit, by their undersigned attorney, have entered into the following agreement:

All informalities in issuing commissions and interrogatories to take testimony, and in the pleadings generally, are waived.

The documents on file in this suit and marked from A to Z, and from AA to OO, all inclusive, shall be admitted in evidence on trial as if formally and fully proved; and those which are copies shall have, to all intents and purposes, the same force and effect as the originals themselves, excepting, however, the document marked A, being an informal copy of a copy of Don Carlos Trudeau's survey of De Bastrop's grant in 1797; and the document marked B, being a copy of a copy of a deed purporting to be executed by the Baron de Bastrop to Abraham Morehouse on the 25th day of January, 1804, of two-thirds of the grant; said document B being signed by P. Hebrard, register of the U. S. land office at Opelousas.

Wherever, in said deeds or documents, any of the parties thereto appear in any official or representative capacity, such, for example, as that of notary, or that of agent or administrator, heir or legatee, their capacities as such are admitted.

This argument shall not, in any manner, be construed into any admission on the part of the United States of the existence or validity of the grant of twelve leagues square of lands in the district of Ouachita, and province of Louisiana, supposed to have been made in the year 1796 or 1797, by the Baron de Carondelet, governor general of said province, to Philip Henry Neret de Tot, Baron de Bastrop, under which grant and grantee the present plaintiffs claim against the United States; nor shall it extend to admit the existence or validity of any portion thereof.

THOMAS J. DURANT,
Attorney of the United States for the district of Louisiana.
HENRY H. STRAWBRIDGE,
Of counsel for plaintiffs.

New Orleans, January 27th, 1847.

And afterwards, to wit, on the 3d day of February, 1847, the following entry was made of record:

MAYOR, Aldermen, &c., of Philadelphia and New Orleans
vs.
THE UNITED STATES.

Upon motion of H. H. Strawbridge, esq., of counsel for plaintiffs, supported by his affidavit, and by the receipt of Hatch Dent, U. S.

register of the land office, dated 26th of December, 1806, both this day filed, showing that the title deeds, granted and given by the Baron de Carondelet to the Baron de Bastrop, for the lands described and claimed by the plaintiff's petition, did, on or about the year 1806, pass into possession of the defendants, the U. States, by their said register, and have never been restored; it is ordered, that the said defendants do produce in open court, on the trial of this cause, the several documents described and emunerated in the aforesaid receipt of said U. States register, or that they do then and there shew cause to the contrary, if any they have, why they should not produce the same.

And further, on the same day, the following affidavit of the plaintiffs' attorney was filed in the clerk's office, to wit:

MAYOR, Aldermen, &c., of Philadelphia, and New Orleans
vs.
THE UNITED STATES.

Henry H. Strawbridge, one of the plaintiffs' counsel, deposes that, to the best of his knowledge and belief, the several documents mentioned in the receipt of Hatch Dent, hereto annexed, were on or about the 26th of December, 1806, delivered into possession of said Dent, in his official capacity as register for one of the land offices of the United States, in Louisiana; deponent has no knowledge or belief whatever that said documents, or any of them, have ever been restored to said Abraham Morehouse, his heirs, representatives, or assigns, nor to the present plaintiffs, nor to any other person or persons whatever, nor does he know where they are now to be found, if not in the possession of the United States or their said register; deponent more especially refers to the documents described in said receipt as follows, viz.:

"The decree of the Baron de Carondelet, governor general and intendant of the province of Louisiana, dated at New Orleans, 21st day of June, 1796.

"The letter of office dated 18th day of June, 1797, from the Baron de Carondelet."

"The patent dated the 20th day of June, 1797."

Deponent further says, that the documents mentioned in the receipt aforesaid are material to the success of the plaintiffs in the present cause, especially the three herein above specially mentioned, and that he intends by them to establish the fact that said Baron de Bastrop had, and that the present plaintiffs, as his lawful transferees and assigns, now have, by virtue of said documents, a full, complete, and perfect title to the lands claimed and referred to by their petition filed in the present suit.

Deponent further swears, that during the last past six months he has repeatedly searched in a close, careful, and scrupulous manner, and with great labor, for the original title deeds to the tract of twelve

leagues square of lands in the district of Ouachita, in Louisiana, which were given and granted by the Spanish government to the Baron de Bastrop, and under which the present plaintiffs claim the lands now sued for; for a full description of which title deeds, deponent refers to volume 4th, pages 308, 309, and 310, No. 438 of the American State papers in relation to public lands, selected and edited under the authority of the Senate of the United States, by Walter Lowrie, secretary of the Senate, and printed by Duff Green in 1834; and, volume second of the same work, pages 9, 10, and 11, and pages 774 and 775 thereof.

Deponent also says, that he has searched personally for said original title deeds in the following places, where he had reason to think they might have been deposited, viz., the land office of the United States at Natchitoches, on Red river; the United States land office at New Orleans; the office and archives of the surveyor general of Louisiana, and the archives of the cabildo of New Orleans; and among the title papers of the late Stephen Girard, in the city of Philadelphia; believing from a copy of said title deeds in his possession, and certified by P. Pedesclaux, and from various other circumstances, that said original title deeds, or an official copy thereof, had been deposited in the office of Philip Pedesclaux aforesaid, who was in his lifetime a notary public of New Orleans, under the Spanish and American governments, deponent, aided by the legal custodian of the notarial and other public records of said Pedesclaux, examined and ransacked all the records and documents in said notarial office, dating from 1795 to 1823 inclusive, and comprising from twenty to thirty bushels of ancient documents and records of every description, principally in the Spanish language; also several bushels of documents and records in the notarial offices of Carlos Ximenes and Esteban de Quinones, from 1795 to 1817, including protocols; also the notarial records of Francisco and Narcisso Brontin, from 1795 to 1817, or thereabouts; also papers in the hands of the agent of the executors of the said Baron de Bastrop.

Deponent has also caused inquiry and search for said original title deeds to be made in the United States land offices at Opelousas and at Ouachita, in Louisiana, and the public offices of the United States at the city of Washington, D. C.; that he has also made or caused inquiry to be made for said deeds of the custodians of the notarial and other officers above mentioned, and of the Hon. McBrent, of the select committee to whom the examination of De Bastrop's grant was referred by Congress in 1825; Hon. Henry Bry, former parish judge in the district of Ouachita, and ex officio notary public and register of conveyances; Hon. Charles Gayarré, secretary of State of Louisiana, and ex officio custodian of the State archives; Hon. Henry Johnson, Senator in Congress for Louisiana, and many others not now recollected; search for said deed has also been made among the papers of the late John Nancarrow, former agent or partner of De Bastrop, and among those within the grant aforesaid.

Deponent adds, that long before being retained to prosecute the present claim, he learned and believes from the general and common re-

port of the country, that when Louisiana was ceded to the United States in 1803, the greater portion, if not all, of the public archives, including the duplicate originals of concessions of land granted were carried out of the country by officers or persons in the employment of the Spanish government.

Deponent verily believes that the original title deeds of said grant have been irrevocably mislaid, lost, or destroyed, if they be not in the possession of the United States.

Deponent further says, that he is well acquainted with the Spanish language, and believes that if said original title deeds had existed in the places where he has searched for the same, he would have discovered them. Deponent has caused advertisements for said originals to be frequently inserted in public newspapers; but that all his advertisements, inquiries, and researches therefor have proved fruitless, and that he has failed to discover said originals, although he has done all in his power to discover the same. And also, that, at the time of instituting this suit, and for some considerable time afterwards, he was not aware of the loss of the original title deeds, nor that they had ever passed into the possession of the United States by their said register, Hatch Dent, or that it was out of the plaintiff's power to produce said originals; all of which he now verily believes.

H. H. STRAWBRIDGE.

Sworn to and subscribed before me, this 3d day of February, 1847.
N. R. JENNINGS, *Clerk*.

Hatch Dent's receipt.

Received this 26th day of December, 1806, of Abraham Morehouse, the notice of an entry of a claim to 773,376 arpents of land, being the two undivided thirds of 1,160,064 arpents of land granted to the Baron de Bastrop, in the county of Ouachita; accompanying which I have also received the decree of Baron Carondelet, governor general and intendant of the province of Louisiana, dated at New Orleans, 21st day of June, 1796. Together with which I have received a translated copy of the plat and survey made by Don Carlos Trudeau, surveyor general of the province, dated on the 14th day of June, 1797; also the letter of office, dated 18th day of June, 1797, from the Baron de Carondelet; as also the patent, dated the 20th day of June, 1797, with which is the deed of conveyance from Bastrop to A. Morehouse; the mortgage from Bastrop to Morehouse; the deed in the Spanish language from Morehouse to Bastrop, certified by Captain Bowmar, commandant of the post of Ouachita.

Rapids, December 27th, 1806.

HATCH DENT, *Deputy Register*.

Office fees paid.

And afterwards, to wit, on the 4th day of February, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

On motion of H. H. Strawbridge, esq., of counsel for the plaintiffs, representing that he has just discovered in the possession of S. Baptiste Filhiol, clerk of the twelfth district court of Louisiana, for the parish of Ouachita, two certain original letters from the Baron de Carondelet, governor general of the Spanish province of Louisiana, dated respectively the 2d day of April, 1795, and the 2d day of June, 1796, and addressed to J. Filhiol, formerly a commandant of the post and district of Ouachita; which letters relate to the Bastrop grant, and are material to the success of the plaintiffs' suit; and on further representing that the said Filhiol is unwilling to deliver the same to the commissioner without an order of court, and that the signature of the Baron de Carondelet cannot be proven in the parish of Ouachita:

It is ordered, that a subpœna duces tecum issue, addressed to J. B. Filhiol, clerk aforesaid, commanding him to produce forthwith said letters in this court, either by delivering them to the clerk thereof, or to V. McEnery, justice of the peace, acting as commissioner to take depositions in this cause by virtue of commissions from this court, in order that he may annex said letters to the return to said commission.

It is further ordered, that said commissioner be authorized to receive and receipt for said letters by endorsement, or copies thereof to be collated and certified by him, and said J. B. Filhiol, as clerk, which are to [be] left with the latter in place of the originals, until said originals can be to him returned.

And afterwards, to wit, on the 10th day of February, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans vs. THE UNITED STATES. } 21.

The above cause, as numbered and entitled, being fixed for trial this day, was, upon motion of the United States district attorney, the court being engaged in other business, continued until further notice.

And afterwards, to wit, on the 17th of February, 1847, the following entry was made of record:

THE MAYOR, ALDERMEN, et als., of Philadelphia & New Orleans, vs. THE UNITED STATES. } 21.

Upon motion of Thomas J. Durant, attorney of the United States for the district of Louisiana, it is ordered by the court that H. H. Strawbridge, esq., of counsel for plaintiffs in the above named cause, do shew cause on Saturday next, the 20th of February, 1847, at 10 o'clock,

A. M., why the court should not set aside said counsel's motion of 4th of February, instant, calling for certain papers, said to have been deposited in the custody of Hatch Dent, formerly deputy surveyor of the United States land office in Rapides, Louisiana, on the ground that the said rule is addressed generally to the defendants, the United States, and not to the officer in whose possession the papers required are to be found.

And afterwards, to wit, on the 20th of February, 1847, the following entry was made of record:

THE MAYOR, ALDERMEN, et als., of Pa. and New Orleans, vs. THE UNITED STATES. } 21.

The motion in this case came on to be heard, and was argued by counsel. Whereupon the court decided that the United States could not, in the mode resorted to, be called upon to produce the documents in question, but that the rule should have been served on the present register of the land office, as the proper and legal custodian of papers relating to lands, and as successor in office of Hatch Dent.

The court thereupon discharged the rule, reserving to the counsel of the petitioners the right of issuing a subpœna duces tecum to the register of the land office at Opelousas, Louisiana, or upon the registers of the several land offices into which the original land office, for lands in Louisiana, lying west of the Mississippi, has been subdivided.

THE SAME vs. THE SAME } 21.

On motion of H. H. Strawbridge, esq., of counsel for the plaintiffs, supported by the receipt of Hatch Dent, U. S. register, dated December 26, 1806, and by affidavit herein filed on the 3d instant:

It is ordered, that writs of subpœna duces tecum, accompanied by certified copies of said receipt on file, do issue, addressed to the several registers of the United States land offices in Louisiana, viz:

To M. McIntyre, U. S. register at Opelousas;
To Payne, U. S. register at Natchitoches;
To D. B. Richardson, U. S. register at Monroe, Ouachita;

commanding them to produce in court the documents described in the receipt aforesaid, and that said writs be made returnable to the 3d Monday in March next.

And afterwards, to wit, on the 23d day of February, 1847, the following subpœnas duces tecum were issued from the clerk's office:

District court of the United States for the district of Louisiana.

The President of the United States, to Paine, U. S. register at Natchitoches.

You are hereby commanded to be and appear, and to bring with you the documents described in the receipt of H. Dent, d'y register, on file

in this court, a copy of which receipt is hereto annexed for reference, before the district court of the United States for the said district, to be holden at the city of New Orleans on the 3d Monday of March, 1847, then and there to be used in a certain cause now depending therein, and to be tried, between the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M., and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this 23d day of February, in the year of our Lord one thousand eight hundred and 47, and in the 71st year of American independence.

[SEAL.]

N. R. JENNINGS,
Clerk.

Marshal's return.

Received, 24th February, 1847, and on the 10th March executed according to law.

Served personally, 500 miles from New Orleans.

W. F. WAGNER,
U. S. Marshal.

District court of the United States, for the district of Louisiana.

The President of the United States, to M. McIntyre, U. S. register at Opelousas.

You are hereby commanded to be and appear, and to bring with you the documents described in the receipt of H. Dent, d'y register, on file in this court, a copy of which receipt is hereto annexed for reference, before the district court of the United States for the said district, to be holden at the city of New Orleans on the 3d Monday of March, 1847, then and there to be used in a certain cause now depending therein, and to be tried, between the Mayor, Aldermen, and Inhabitants of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M., and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this 23d day of February, in the year of our Lord one thousand eight hundred and 47, and in the 71st year of American independence.

[SEAL.]

N. R. JENNINGS,
Clerk.

Marshal's return.

Received, 24th February, 1847. Served on M. McIntire, in person, at Opelousas, on the 11th March, 1847.

W. F. WAGNER,
U. S. Marshal.

I, M. McIntire, hereby accept service of copy of the within sup. duces tecum, and accompanying paper.

March 11, 1847.

M. McINTIRE.

And afterwards, to wit, on the 17th of March, 1847, the following entries were made of record:

THE MAYOR, Aldermen, et als., of Philadelphia and N. Orleans, vs. THE UNITED STATES. } 21.

On motion of H. H. Strawbridge, esq., of counsel for the claimants, it is ordered, that M. McIntire, who has attended this court in obedience to a writ of subpœna duces tecum herein issued on the 20th day of February, 1847, be allowed the usual mileage from the town of Opelousas to this city, a distance of 260 miles, at the rate of ten cents per mile, and $1 $\frac{34}{100}$ expenses of one day's attendance on this court, to be paid by the plaintiffs, and taxed among the costs of suit.

THE SAME vs. THE SAME.

On motion of H. H. Strawbridge, esq., solicitor for the claimants, asking publication of the testimony under commissions, it is ordered, that the several commissions issued in this case, which have been returned, be now opened by the clerk.

And afterwards, to wit, on the 20th of March, 1847, the following entries were made of record:

THE MAYOR, Aldermen, et als., of Philadelphia and N. Orleans, vs. THE UNITED STATES. } 21.

On motion of H. H. Strawbridge, esq., of counsel for the plaintiffs, it is ordered, that the depositions of witnesses residing in New Orleans, and to be used as evidence on trial of this cause, be taken before N. R. Jennings, commissioner, according to the sixth rule of this court, and that the district attorney be duly notified of the time and place of taking said depositions.

THE SAME vs. THE SAME.

On motion of H. H. Strawbridge, esq., of counsel for plaintiffs, and with consent of the district attorney, it is ordered, that the return day of the writs of subpœna duces tecum herein taken on the 20th day of February last on the registers of the land offices of the United States at Monroe, in Ouachita, and at Natchitoches, be extended to the first Monday of April next; and that, if the papers therein called for be not in the offices, or under the control of said registers, they may make affidavit to that effect before any magistrate; which affidavits, being filed in this court, shall be considered a sufficient compliance with said subpœnas.

And on the same day the following subpœnas duces tecum were issued from the clerk's office:

DISTRICT COURT OF THE UNITED STATES,
For the district of Louisiana.

The President of the United States, to D. B. Richardson, U. S. register, Monroe, Ouachita.

You are hereby commanded to be and appear, and to bring with you the documents described in the receipt of H. Dent, deputy register, on file in this court, a copy of which receipt is hereto annexed for reference, before the district court of the United States for the said district, to be holden at the city of New Orleans on the first Monday of April, 1847, then and there to be used in a certain cause now depending therein, and to be tried between the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this 20th [SEAL.] day of March, in the year of our Lord one thousand eight hundred and 47, and in the 71st year of American independence.

N. R. JENNINGS, *Clerk.*

Marshal's return.

Received March 20th, 1847, and on the 27th day of March, 1847, I served a copy of the within writ and document annexed on the within named D. B. Richardson, by handing the same to him, in person, in the parish of Ouachita, Louisiana, 500 miles from New Orleans.

WM. F. WAGNER,
U. S. Marshal.
By J. W. FISHER,
Dep. U. S. Marshal.

DISTRICT COURT OF THE UNITED STATES,
For the district of Louisiana.

The President of the United States, to Paine, U. S. register, at Natchitoches.

You are hereby commanded to be and appear, and to bring with you the documents described in the receipt of H. Dent, deputy register, on file in this court, a copy of which receipt is hereto annexed for reference, before the district court of the United States for the said district, to be holden at the city of New Orleans on the first Monday of April, 1847, then and there to be used in a certain cause now depending therein, and to be tried between the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this [SEAL.] twentieth day of March, in the year of our Lord one thousand eight hundred and 47, and in the 71st year of American independence.

N. R. JENNINGS, *Clerk.*

Marshal's return.

Received March 20th, 1847, and on the 24th of the same month served copy on John F. Payne, register, &c., personally, in the town of Natchitoches, 500 miles from New Orleans. Returned 29th March, 1847.

W. F. WAGNER, *U. S. Marshal.*

And afterwards, to wit, on the 22d of March, 1847, the following entry was made of record:

MAYOR, Aldermen, et als., of Philadelphia and N. Orleans, vs. THE UNITED STATES. } 21.

Upon motion of H. H. Strawbridge, esq., solicitor for the plaintiffs, it is ordered, that a commission do issue, addressed to any judge, justice of the peace, or other magistrate in the parish of Ouachita, accompanied with copies of the interrogatories this day filed, to take the deposition of witnesses residing in said parish in answer to the same.

And afterwards, to wit, on the 25th of March, 1847, the following entry was made of record:

MAYOR, Aldermen, et als., of Philadelphia and N. Orleans, vs. THE UNITED STATES. } 21.

Upon motion of Henry Strawbridge, esq., of counsel for the claimants, and on filing a copy of the petition of Philip de Bastrop to the Baron de Carondelet for certain lands therein mentioned, as well as the order of said Carondelet thereon, both dated New Orleans, 10 of June, 1797, which are certified on the 2d of January, 1821, by Levin Wailes, register of the U. States land office at Opelousas, to be true copies of the originals in his possession, it is ordered, that a writ of subpœna duces tecum, accompanied by a copy of said document, do issue to M. McIntire, present register of said office, commanding him to produce in court, on or before the second Monday of April next, at 10 o'clock, A. M., the originals thereof, and to account for the same, or then and there to show cause to the contrary by affidavit or otherwise.

And afterwards, to wit, on the 13th day of April, 1847, the following entries were made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

Upon motion of H. H. Strawbridge, esq., of counsel for the claimants, it is ordered that M. McIntire, United States land register at Opelousas, do produce in court, on or before Monday, the 3rd of May, 1847, the original of the copy of P. de Bastrop's petition for certain lands, and the Baron de Carondelet's order thereon, both dated 10th June, 1797; which copy, certified by Levin Wailes, former register of said office, was filed herein on the 20th of March last, or that said McIntyre do then and there shew cause to the contrary, by affidavit, that it is not in his possession.

It is further ordered, that for greater certainty a copy of said document do be served upon said McIntire, together with this rule.

THE SAME vs. THE SAME.

On motion of H. H. Strawbridge, esq., of the solicitors for plaintiffs, it is ordered that the defendants shew cause, on Friday, the 16th day of April, 1847, at 10 o'clock, A. M., why the following disputed facts should not be found by a jury under the issue joined in this case, and according to the regulations and practice of this court, viz:

1st. Whether, in or about the year 1796 and 1797, a grant twelve leagues square of land, on the waters of the bayou Siard and its vicinity, was, or was not, made by the Baron de Carondelet, as governor general of the province of Louisiana, to Philip Henry de Tot Neret, Baron de Bastrop.

Second. Whether the location of said grant was, or was not, designated by the proper authorities, and whether the said Baron de Bastrop did, or did not, with consent and approbation of the grantors, take possession of the land so granted, and proceed in carrying out the objects of said grant.

Third. Whether the conditions annexed to said grant, if any there were, particularly that of introducing a given number of families, and settling them on said grant, were or were not fulfilled, in whole or in part, by said Bastrop; and, if not fulfilled in whole or in part, whether the non-fulfilment was, or was not, caused by the act or order of the grantors.

And afterwards, to wit, on the 16th of April, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of New Orleans and Philadelphia, vs. THE UNITED STATES. } 21.

The rule taken herein on Tuesday last, the 14th instant, being called for trial, H. H. Strawbridge, esq., and Thomas J. Durant, of counsel

for the parties, appeared; when, after argument of counsel, the court took the rule under consideration.

And afterwards, to wit, on the 22d of April, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

Upon consideration of the rule herein, submitted to the court on the 16th inst., it is ordered that the same be made absolute in the following form, and that the following facts be found by a jury under the issue joined in this case, reserving to the court the decision upon the question of the validity or sufficiency of said grant under the colonial laws and regulations of Spain, in force in Louisiana at the date of the grant, viz:

1st. Whether, on or about the years 1796 and 1797, a grant of twelve leagues square of land, on the waters of the bayou Siard and its vicinity, in the district of Ouachita, was, or was not, made by the Baron de Carondelet, as governor general of Louisiana, to the Baron de Bastrop.

2. Whether the location of said grant was or was not, in pursuance of the orders of said governor, designated by Don Juan Filhiol, commandant of Ouachita, or by Don Carlos Trudeau, surveyor general of the province of Louisiana, or by both; and whether the said Baron de Bastrop did, or did not, with the consent and approbation of the grantors, take possession of the land so granted, and proceed in carrying out the objects of said grant.

3. Whether the conditions annexed to said grant, if any there were, particularly that of introducing a given number of families, and settling them on said grant, were or were not fulfilled, in whole or in part, by said Bastrop; and, if not fulfilled in whole or in part, whether the non-fulfilment thereof was, or was not, caused by the act or order of the grantors.

4. Also, whether or not any plan of survey of said grant was made by Don Carlos Trudeau, surveyor general of the province of Louisiana, and confirmed in or about the year 1797 by said Baron de Carondelet, as governor general of said province.

And afterwards, to wit, on the 28th of April, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

On motion of H. H. Strawbridge, solicitor for the plaintiffs, it is ordered that the defendant shew cause, on Friday, the 29th April, at 10 o'clock, A. M., why the facts to be found by a jury should not be referred to a special jury from the adjoining parishes, on the ground that the ordinary jury is composed of corporators of the city of New Orleans, which is a plaintiff in this suit; and that such corporators are consequently interested in the result.

And afterwards, to wit, on the 29th of April, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans,
vs.
THE UNITED STATES. } 21.

Upon motion of H. H. Strawbridge, esq., of counsel for the plaintiffs, it is ordered that M. McIntire, United States land register at Opelousas, do produce in court, on or before Saturday, the 15th day of May, 1847, at 10 o'clock, A. M., the original of the copy of P. de Bastrop's petition for certain lands, and the Baron de Carondelet's order thereon, both dated 10th of June, 1797; (which copy, certified by Levin Wailes, formerly register of said office, was filed herein on the 20th of March last,) or that said McIntire do then and there shew cause to the contrary, by affidavit, that it is not in his possession.

It is further ordered, that for greater certainty a copy of said document do be served upon said McIntire, together with this rule.

And further, on the same day, the following subpœna duces tecum was issued from the clerk's office:

District court of the United States, for the district of Louisiana.

The President of the United States to M. McIntire, register of the land office at Opelousas:

You are hereby commanded to be and appear, and to bring with you the document as set forth in the motion made, of which document a copy is hereto annexed for reference, together with a copy of the said motion before the district court of the United States, for the said district, to be holden at the city of New Orleans on the 15th day of May, 1847, then and there to be used in a certain cause now depending therein, and to be tried between the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. The United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this 29th day of April, in the year of our Lord one thousand eight hundred and forty-seven, and in the 71st year of American independence. [SEAL.]

N. R. JENNINGS, *Clerk*.

Marshal's return.

Received April 29th, 1847, and on the 7th of May served a copy of the within subpœna and documents annexed on M. McIntire in person, at the town of Opelousas, about 260 miles from New Orleans.

WM. SHEARER,
U. S. Deputy Marshal.

Returned into court May 10, 1847.

CHAS. A. LABUZAN,
U. S. Deputy Marshal.

And afterwards, to wit, on the 30th of April, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

The rule taken in this cause on the 28th instant being called for trial, Strawbridge, esquire, for the plaintiffs in rule, and the district attorney for the defendants, being present, it is ordered that the rule be made absolute, and that a special jury from the adjoining parishes be summoned for the fourth Monday of May next, for the trial of the said cause.

And afterwards, to wit, on the 5th of May, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

Upon motion of H. H. Strawbridge, esqr., of plaintiffs' counsel, it is ordered, that this cause be set for trial for Monday, the 24th day of May, 1847, at 10 o'clock, A. M.

And afterwards, to wit, on the 24th of May, 1847, the following entry was made of record:

MAYOR, ALDERMEN, [&c.,] of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

The judge of this court being unable, on account of sickness, to be present, this cause, fixed to-day for trial, was continued, and the special jury summoned to try said cause was directed by the marshal, in pursuance of the order of the judge, to appear on Monday next.

And afterwards, to wit, on the 31st of May, 1847, the following entry was made of record:

MAYOR, ALDERMEN, [&c.,] of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

The judge of this court being unable to sit, directed that the jury summoned for to-day to try the issues in the above cause, be discharged until further notice, and that the cause be continued.

And afterwards, to wit, on the 11th June, 1847, the following entry was made of record:

MAYOR, ALDERMEN, [&c.,] of Philadelphia and New Orleans, vs. THE UNITED STATES. }

The court directed that the above entitled cause be continued until Monday, the 21st of June.

And afterwards, to wit, on the 21st of June, 1847, the following entry was made of record:

MAYOR, ALDERMEN, [&c.,] of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

This cause was to-day called for trial, Thomas J. Durant, esq., district attorney, being present; the counsel for the plaintiffs not appearing, it is ordered by the court that this cause be continued until the first Monday of November next, and that the jury now present be notified to appear on that day.

And afterwards, to wit, on the 3d of November, 1847, the following entry was made of record:

MAYOR, ALDERMEN, [&c.,] of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

On motion of H. H. Strawbridge, of counsel for the plaintiffs, it is ordered, that this cause be set for trial for Monday, the 22d of November, 1847, and that in conformity with the order of court of June 21st last, the same jury be summoned to attend thereat.

And afterwards, to wit, on the 19th of November, 1847, the following entry was made of record:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

Upon motion of H. H. Strawbridge, esq., of counsel for the plaintiffs, it is ordered that writs of subpœna do issue to Lewis St. Martin, United States land register of New Orleans district, to produce in court on Monday, the 22d day of November, 1847, at 10 o'clock, A. M., a certain bound volume deposited in the archives of his office, entitled "Registro de los primeros decretos de concesion, 1795, '96, '97, and '98;" also the original grant, to be found among the unbound bundles of the archives or records of said land office, from Juan Ventura Morales, intendente, &c., to Michael Rogers, of five arpents front by forty deep of land northwest of the Ouachita river; said document bearing date 19th of December, 1799, together with the petition of said Rogers, dated Ouachita, 1st April, 1799, upon the same sheet.

To L. Bringier, surveyor general of the State of Louisiana, to produce in court, on Monday, the 22d day of November, 1847, two certain documents, purporting to be plans of survey, or copies of a plan of survey, made by Don Carlos Laveau Trudeau, former surveyor general of the province of Louisiana, on or about the 14th of June, 1797, of twelve leagues square of land, in the district of Ouachita, granted by the Baron de Carondelet, surveyor general of said province, to the Baron de Bastrop.

And further, on the same day, the following subpœnas duces tecum were issued from the clerk's office:

District court of the United States for the district of Louisiana.

The President of the United States, to Louis St. Martin, United States land register of Orleans:

You are hereby commanded to be and appear, and to bring with you a certain bound volume, deposited in the archives of your office, entitled "Register de los provincios decretos de concesion, 1795, '96, '97, '98.

Also, an original grant, to be found among the unbound bundles of the archives or records of said land office, from Juan Ventura Morales, intendente, &c., to Michael Rogers, of five arpents front by forty deep, of land northwest of the Ouachita river; said document being dated 19th December, 1799, together with the petition of said Rogers, dated Ouachita, 1st April, 1797, upon the same sheet, before the district court of the United States for the said district, to be holden at the city of New Orleans on the twenty-second day of November, 1847, in a certain cause now depending, and to be tried, between the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this 19th day of November, in the year of our Lord one thousand eight hundred and 47, and in the 72d year of American independence. [L. S.]

N. R. JENNINGS, *Clerk*,
By AL. BOISBLANC, *Deputy Clerk*.

Marshal's return.

Received November 19th, 1847, and on the 20th day of November served a copy of the within subpœna duces tecum on Louis St. Martin in person.

Returned, New Orleans, November 20th, 1847.

JOS. PRADOS,
Deputy U. S. marshal.

District court of the United States for the district of Louisiana.

The President of the United States, to Ls. Bringier, surveyor general of the State of Louisiana:

You are hereby commanded to be and appear, and to bring with you two certain documents, purporting to be plans of survey, or copies of a plan of survey, made by Don Carlos Laveau Trudeau, former surveyor general of the province of Louisiana, on or about the 14th June, 1797, of twelve leagues square of land, in the district of Ouachita, granted by the Baron de Carondelet, governor general of said province, to the Baron de Bastrop, before the district court of the United States

for the said district, to be holden at the city of New Orleans, on the twenty-second day of November, 1847, then and there to be used in a certain cause now depending therein, and to be tried, between the Mayor, Aldermen, &c., of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this 19th day of November, in the year of our Lord one thousand eight [L. S.] hundred and forty-seven, and in the 72d year of American independence. N. R. JENNINGS, *Clerk*,

By A. BOISBLANC, *Deputy Clerk*.

Marshal's return.

Received November 19th, 1847, and on the 20th day of November, served a copy of the within subpœna duces tecum on Mr. Louis Bringier, by leaving the same at his domicil with Mrs. Bringier, he being sick at the time. Returned, New Orleans, November 20th, 1847.

JOS. PRADOS,
Deputy U. S. marshal.

And afterwards, to wit, on the 22d of November, 1847, the following entry was made of record:

MAYOR, Aldermen, &c., of Philadelphia and New Orleans
vs.
THE UNITED STATES. } 21.

This cause came on to-day for trial; H. H. Strawbridge and P. Soulé, esqs., for plaintiffs, the district attorney for the defendants, appeared.

The counsel for the plaintiffs objected to the venire, and challenged the array of the jury, on the ground that said jurors had all been summoned from a particular section of the parish of Jefferson, instead of being summoned from the adjoining parishes; when, after argument of counsel, the court being of opinion that the order of court of the 28th of April last, to summon a jury from the parish adjoining the parish of Orleans, had not been duly complied with, by summoning said jury from a single adjoining parish, the objection of the plaintiffs was maintained, and the venire quashed.

Whereupon, on motion of the counsel for plaintiffs, it is ordered, that a new venire do issue, addressed to the marshal of the United States, commanding him to summon thirty-six jurors, to be taken from the adjoining parish of Jefferson and St. Bernard, to attend this court, on Monday, the 29th day of November, 1847, at 10 o'clock, A. M.

On motion of the counsel for plaintiffs, it is ordered, that this cause be set for trial on the issue of facts, referred to a jury, on Monday, the 29th day of November, 1847, at 10 o'clock, A. M., and that the parties, plaintiffs and defendants, be notified accordingly.

And afterwards, to wit, on the 27th of November, 1847, the following entry was made of record:

MAYOR, Aldermen, [&c.,] of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

Upon motion of Strawbridge, esq., for plaintiffs, it is ordered that the writs of subpœna duces tecum to L. St. Martin and L. Bringier, herein moved for the 19th instant, be renewed, and issued returnable on Monday next, the 29th instant, at 10 o'clock, A. M.

And further, on the same day, the following supœnas duces tecum were issued from the clerk's office:

District court of the United States for the district of Louisana.

The President of the United States, to Louis St. Martin, United States land register of the New Orleans district:

You are hereby commanded to be and appear, and to bring with you a certain bound volume deposited in the archives of your office, entitled "Registro de los primeros decretos de concesion 1795, '96, '97, '98," also the original grant, to be found among the unbound bundles of the archives or records of said land office, from Juan Ventura Morales, intendente, &c., to Michael Rogers, of five arpens front by forty deep, of land northwest of the Ouachita river; said document bearing date 19th of December, 1799, together with the petition of said Rogers, dated Ouachita, 1st April, 1799, upon the same sheet, before the district court of the United States for the said district, to be holden at the city of New Orleans on the twenty-ninth day of November, 1847, then and there to be used in a certain cause now depending therein, and to be tried, between the Mayor, Aldermen, [&c.,] of Philadelphia and New Orleans vs. The United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, at the city of New Orleans, this twenty-
[SEAL.] seventh day of November, in the year of our Lord one thousand eight hundred and 47, and in the 72d year of American independence.

N. R. JENNINGS, *Clerk*,
By A. BOISBLANC,
Deputy clerk.

Marshal's return.

Received 27th November, 1847; served personally on Louis St. Martin same day.

W. F. WAGNER,
U. S. Marshal.

District court of the United States for the district of Louisiana.

The President of the United States, to Ls. Bringier, surveyor general of the State of Louisiana:

You are hereby commanded to be and appear, and to bring with you two certain documents purporting to be plans of survey, or copies of a

plan of survey, made by Don Carlos Laveau Trudeau, former surveyor general of the province of Louisiana, on or about the 14th of June, 1797, of twelve leagues square of land in the district of Ouachita, granted by the Baron de Carondelet, surveyor general of said province, to the Baron de Bastrop, before the district court of the United States for the said district, to be holden at the city of New Orleans on the twenty-ninth day of November, 1847, then and there to be used in a certain cause now depending, and to be tried, between the Mayor, Aldermen, [&c.,] of Philadelphia and New Orleans vs. the United States, at 10 o'clock, A. M.; and herein fail not, under the penalty of two hundred and fifty dollars.

Witness the honorable Theo. H. McCaleb, judge of the district court of the United States, this twenty-seventh day of November, [SEAL.] in the year of our Lord one thousand eight hundred and 47, and in the 72d year of American independence.

N. R. JENNINGS, *Clerk*,
By A. BOISBLANC,
Deputy clerk.

Marshal's return.

Received 27th, November, 1847; served personally on Louis Bringier the same day. W. F. WAGNER, *U. S. Marshal.*

And afterwards, to wit, on the 29th of November, 1847, the following entry was made of record:

MAYOR, Aldermen, et als., of Philadelphia and New Orleans, vs. THE UNITED STATES. } 21.

This cause came on this day for trial, H. Strawbridge and P. Soulé, esqrs., appearing for the plaintiffs, and Thos. J. Durant, United States district attorney, for the defendants. The following named jurors were sworn to try the issues as ordered by the court to be submitted to them on the 22d of April last, viz: 1, Sylvani Peyroux; 2, Hypolite Bienvenu; 3, Charles Oakford; 4, Pierre J. Languille; 5, John Page; 6, A. Dunbar; 7, Michel M. Villavaso; 8, Dennis Villeré; 9, G. T. Beauregard; 10, James Staff; 11, Lewis Coss; 12, Julius Musnier.

Evidence in writing submitted by the plaintiffs, and arguments of counsel heard thereon, until past 3 o'clock, P. M., when the court adjourned the further trial of the cause until to-morrow morning, at 10 o'clock, A. M.

And afterwards, to wit, on the 30th of November, 1847, the following entry was made of record:

MAYOR and Aldermen of Philadelphia and New Orleans vs. THE UNITED STATES. } 21.

This cause, continued from yesterday, was called; when, it being made known to the court that one of the jurors was sick and unable to

attend, it is ordered that the trial be continued until to-morrow morning, at 10 o'clock, A. M.

And afterwards, to wit, on the 1st of December, 1847, the following entry was made of record:

MAYOR, Aldermen, &c., of Philadelphia and New Orleans,
vs.
THE UNITED STATES. } 21.

This cause was to-day called, and it appeared that two of the jurors were absent; whereupon the court ordered that the trial of this cause be continued until Monday next, the 6th instant; and that the absent jurors, G. T. Beauregard and Charles Oakford, be notified thereof.

And afterwards, to wit, on the 6th of December, 1847, the following entry was made of record:

MAYOR, Aldermen, [&c.,] of Philadelphia and New Orleans,
vs.
THE UNITED STATES. } 21.

This cause, continued from Wednesday last, came on for hearing. All the jurors were present. Further evidence, in writing, was submitted on the part of the plaintiffs, and argument of counsel heard thereon. At 3 o'clock, P. M., the court directed that the further trial of the cause be continued until to-morrow morning, at 10 o'clock, A. M.

And further, on the same day, the following documents were offered in evidence by plaintiffs:

First: Testimony of A. Lonallier, taken before N. R. Jennings, commissioner, on the 17th of May, 1847.

Objected to by the district attorney, upon the ground of its being secondary evidence. The plaintiffs then withdrew the document for the time, and offered a document filed on the 3d of February, 1847, purporting to be a receipt from Hatch Dent, deputy register, together with the deposition of Isaac Thomas, filed February 20th, 1847.

The district attorney objected to the introduction of this testimony, and, after argument of counsel, the court overruled the objection, and the document was admitted; the document purporting to be a receipt of Hatch Dent, deputy register, already copied at page 206 of this transcript.

Deposition of Isaac Thomas, filed 20 February, 1847.

MAYOR, Aldermen, &c., of New Orleans and Philadelphia,
vs.
THE UNITED STATES. } 21.

Deposition taken by consent.

Isaac Thomas deposes: He knows the signature of Hatch Dent, former register of the United States land office at Opelousas, from having

seen a great many of his signatures to documents deposited in the office of the parish judge of Rapides, which, since 1819, deponent has had frequent occasion to examine. Deponent has no doubt that the signature of said Dent to the receipt now shewn, dated 26 December, 1806, is in the genuine handwriting of said Dent. Deponent came to Louisiana and settled in the parish of Rapides in the year 1819, at which time said Hatch Dent was dead.

Cross examined by the district attorney.

Mr. Dent was dead before witness came to the country, that is, the parish of Rapides. Hatch Dent was the deputy register. Does not know who was register at the date of the receipt.

J. THOMAS.

Sworn to and subscribed before me, this 20 day of February, 1847.

N. R. JENNINGS, *Clerk.*

Second. Plaintiffs now offered in evidence the testimony of A. Lonallier, taken as before stated.

MAYOR, Aldermen, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } No. 21.

According to notices duly issued, the plaintiffs, represented by their connsel, H. H. Strawbridge, esq., and the defendants, by the district attorney of the United States, appeared before me this day, the 11th of May, 1847, at 5 o'clock, P. M., and, by virtue of a writ of subpœna, Alfred Lonallier, a witness in behalf of plaintiffs in said cause, appeared, when I proceeded to take his testimony.

Alfred Lonallier, witness for plaintiffs, being duly sworn, states, that he was employed as a clerk under Mr. Hebrard, register of the United States land office at Opelousas. That he began his duties as said clerk in the beginning of July, 1843. Witness heard the register complain very frequently of the confusion of the papers in said office, and of the difficulty that he met with in finding papers. Deponent was in the office about eighteen months, or two years, during which time he was often occupied in assorting and arranging the papers of the office. Papers were often missing from the records, and when he sought for them they sometimes could not be found. The office had been frequently shifted from one house to another. Witness does not think that the requisite care had been taken of the papers in the office by the predecessors of Mr. Hebrard. There were many old Spanish documents in the office; some of them were torn from old age, &c., and some of them were in pretty good condition.

No cross examination.

A. LONALLIER.

I, N. R. Jennings, commissioner to take testimony in land causes, do certify, that the foregoing is the true deposition of Alfred Lonallier; that the said depositions were subscribed by said witness before me.

As witness my hand and seal, this 11th day of May, A. D. 1847.

N. R. JENNINGS, *Comm'r.*

Third. The plaintiffs offered in evidence the deposition of G. E. Lonallier, taken before the commissioner on the 13th of May, 1847.

MAYOR, Aldermen, [&c.,] of Philadelphia and New Orleans,
vs.
THE UNITED STATES.

The examination of witnesses was to-day resumed. The plaintiffs represented by their attorney, H. H. Strawbridge, and the defendants by the United States district attorney. According and by virtue of a subpœna issued, a witness on behalf of plaintiffs appeared, when I proceeded to take his testimony.

Gustavus Etienne Lonallier, being duly sworn on behalf of plaintiffs, states, that he was employed in the land office at Opelousas as clerk, under Mr. Hebrard. The condition of the papers of the office when Mr. Hebrard went into it was very bad; there were no regular files for any thing.

The papers principally deposited there were Spanish grants, rights of pre-emption, and old Spanish deeds of sale of lands. These Spanish papers, particularly, were in very bad order; the rest were in bad order generally. Many of them appeared to be much injured; and many of them, which purported to be original titles from the writing, had the signatures torn off. A great many of the original Spanish papers, which ought to have been in the office, were entirely missing. Papers were frequently taken from the Spanish files, and receipts given for them, and left among the papers, from persons who had no written authority from the parties in interest to take such papers, or give receipts therefor. The land office had been often shifted from building to building, in the village of Opelousas.

Witness states that the predecessors of Mr. Hebrard were Mr. Briant, Mr. Kelly, and Mr. Davies. Of the two last named, Mr. Davis was said to be very intemperate, notoriously so, and Mr. Kelly notoriously subject to fits of insanity. E. A. Seaton, one of the clerks in Mr. Hebrard's office, bore the reputation of being a dishonest man, and the department at Washington notified Mr. Hebrard to dismiss him.

The witness was continually employed in Mr. Hebrard's office in fixing and arranging the papers, and Mr. Hebrard has fixed and assorted the papers and stored them in boxes.

The papers, before Mr. Hebrard came into office, were tied up in bundles and thrown upon the tables, or on the tops of armoirs. Great confusion prevailed in the office; and upon the application of different persons for papers, it was found that many were lost which ought to have been there according to the records.

Witness was in the office a year and a half with Mr. Hebrard, and about four months after, to wit, from August until September, when Mr. McIntire, the present incumbent, was appointed.

Cross examined.

By the records, witness means the State papers. Witness at present resides in New Orleans.

Examination in chief resumed.

There are books in the office, alphabetically indexed, which shew what papers there ought to be in the office. These books witness also calls records.

Cross examination upon the above.

These indexes were made by the different officers in the land office from its establishment about the year 1821.

G. E. LONALLIER.

I, N. R. Jennings, commissioner to take testimony in land causes, do certify, that the foregoing is the true deposition of G. E. Lonallier, as taken down by me in writing, and subscribed to by said witness before me.

In witness whereof I hereunto set my hand and seal.

N. R. JENNINGS, *Commr.*

Fourth. The plaintiffs offered in evidence the deposition of Isaac T. Preston, taken before N. R. Jennings, commissioner, on the 25th of May, 1847.

MAYOR, ALDERMEN, et als., of Philadelphia and N. Orleans, vs. THE UNITED STATES. } May 25, 1847.

According to notice given, the examination of witnesses in this cause was to-day resumed.

H. H. Strawbridge, esq., for the plaintiffs, and the district attorney, for the defendants, being present.

Isaac T. Preston being duly sworn states: That he was register of the land office at New Orleans, and thinks that he succeeded Judge Harper. The papers in the land office, when the deponent took charge of it, were in a very poor condition. The following books were bound up: the book of French concessions, the books of confirmation and evidence of title. The registers of Spanish grants were lying loose, or *sticked* together in a kind of pamphlet form, with the exception of one; they were a good deal in confusion and disorder; but deponent had them bound up. Witness cannot say, without seeing the records, whether he had them all bound up or not. Witness would think, from the confusion in which he found those documents, to wit, the grants, that many of them were destroyed or torn, or might have been taken away. The witness means that it was the registry of conces-

sions which he had had bound up, and not the grants themselves. Witness states it to be his impression that the grants were not intended to be kept in the land office, but to be delivered to the parties; that the entries alone were intended to be kept there. There were many loose grants there which witness did not have bound up.

Cross examined.

States that he thinks many of the Spanish grants might have been taken away or lost before his (deponent) coming into office, and afterwards. He means the grants, and not the register of the grants. Witness does not know personally whether any of said documents had been lost or taken away before his coming into office. Deponent heard Gen. Walker say that he obtained some Spanish grants from the family of Laveau Trudeau, the surveyor general. Witness does not know that the said grants spoken of by General Walker were ever in the United States land office. Witness states that, after his coming into office, he himself took away two or three of the Spanish grants, and he does not think they have ever been returned. In explanation of this, witness states that he was employed by the Government to go to the Territory of Arkansas to investigate a large map of forged claims that had been confirmed there; and, finding among those loose grants before mentioned two or three genuine grants, purporting to be in favor of persons at the post of Arkansas, he took them with him, that by them he might detect the forgeries, and he accordingly filed and left them in the United States court, in Arkansas, for that purpose.

ISAAC T. PRESTON.

I, N. R. Jennings, commissioner, do certify, that the foregoing is the true deposition of Isaac T. Preston, a witness on the part of the plaintiffs; that the same was taken down by me in presence of said witness; and being carefully read over to him by me, the same was subscribed to by him before me.

In witness whereof I hereunto set my hand and affix my seal, this 25th day of May, A. D. 1847.

N. R. JENNINGS, *Commr.*

Fifth. The plaintiffs offered in evidence the depositions of H. B. Ceras, Louis St. Martin, and A. Cruzat, taken before the commissioner on the 27th of May, 1847.

United States district court, May 27, 1847.

MAYOR, ALDERMEN, et als., of Philadelphia and N. Orleans,
vs.
THE UNITED STATES.

According to notices duly issued, the examination of witnesses in the above entitled cause was to-day resumed.

H. H. Strawbridge, esq., appearing for the plaintiffs, and the United States represented by the district attorney.

H. B. Cenas, witness for plaintiffs, being sworn, states: That he was register of the land office in the year 1830, and succeeded Isaac T. Preston. States that, although Mr. Preston had arranged many of the papers in said office, they still were in considerable confusion; he means the loose papers in the office, those that were not bound up. There were many Spanish grants, and witness thinks several French grants, which were either complete or incomplete grants, (witness cannot say positively,) that were unbound and lying loose, and some in bundles; these were lying in the drawers in the office without much order. Witness endeavored to put them in as much order as he could by tying them in bundles, &c.

Deponent states, that Harper was register of the land office, and clerk also of the U. States court; and as clerk of the court he was succeeded by Franklin W. Lea. A short time after deponent was appointed register, he was informed by Mr. Lea, the said clerk, that he had found among the papers of his office a number of papers belonging properly to the land office, which papers he requested deponent to send for. As nearly as witness can recollect, the said Lea himself sent to deponent the said papers in a common sized basket, which to the best of his memory was filled with the said papers. Upon examining them, deponent found that they pertained principally to land claims; and among them he discovered a register of Spanish patented concessions which was supposed to have been lost. The title of this register was "Titulos de concessiones informa." This register deponent placed loosely in the bound book to which it properly belonged. From the loose way in which the papers of the land office had been kept, witness would not be at all astonished that many of them should have been lost.

Deponent states that, at the time he was register of the land office, it was generally rumored that Mr. Harper, the former register, suffered many of the papers and documents belonging to said office to form a litter for a favorite dog of Judge Robinson, the former judge of the U. States court.

No cross examination by the district attorney.

H. B. CENAS.

Louis St. Martin, witness for plaintiffs, being duly sworn, states, that he is register of the land office at N. Orleans, and that there are in his custody many old Spanish and French title deeds, purporting to emanate from the Government. There are three or four bundles of these said titles in the office. The said titles appeared to be from every part of the State; some from Ouachita, Opelousas, and the Attakapas. And among these titles the deponent found the document now produced by him, being a grant in 1799 to one Michael Rogers, a settler in Ouachita, purporting to be signed by said Rogers, Filhiol, Ximenes, Leonard, and others; of which document a copy thereof is now produced, certified to by deponent as register, under date of the 27th of May, 1847. Most of the Spanish titles appeared to be very ancient, and were generally under the Spanish government; most of them in 1796, 1797, and 1798.

"*Cross examined.*"

States there is nothing in his office to indicate the time when the document before referred to was placed there. It is not likely that the said document would get into his office in the regular course of business. Witness has no knowledge of the mode in which said document was lodged in his office.

L. ST. MARTIN.

Antoine Cruzat, witness for plaintiffs, being duly sworn, states, that he is seventy-two years of age; being shewn the original grant to Rogers, as set forth in the foregoing testimony of L. St. Martin, the register of the land office, recognises the signatures thereto, of Morales [and] Leonard, to be genuine; those of Ximenes and Serand he believes to be genuine, although he cannot speak so positively, not being as familiar with their handwriting. Witness knew all these individuals personally. Ximenes was a notary under the Spanish government, Leonard was the contador; and Serand was the counsellor of the intendant, or in other words the attorney general. P. Pedesclaux was the last notary of the cabildo.

Cross examination waived by the district attorney.

A. CRUZAT.

I, N. R. Jennings, commissioner to take testimony in land causes, do certify, that the foregoing are the true depositions of the foregoing witnesses, viz., A. Cruzat, Louis St. Martin, and H. B. Cenas; that the same were taken down by me, and, after being carefully read over to the said witnesses, they were respectively signed by them in my presence.

In witness whereof I hereunto set my hand and seal, this 27th day of May, A. D. 1847.

N. R. JENNINGS, [SEAL.]
Commissioner.

Sixth. The plaintiffs offered in evidence the deposition of Louis T. Caire, taken before the commissioner on the 4th of May, 1847.

MAYOR, ALDERMEN, et als., vs. THE UNITED STATES. } May 4th, 1847.

According to notices duly issued to the parties interested, and to certain witnesses on behalf of plaintiffs, to appear before me this afternoon, May 4th, 1847, at 5 o'clock, P. M., when testimony would be taken to be used on the trial of the above entitled cause, H. Strawbridge, esq., representing the plaintiffs, and the district attorney for the defendants, appeared.

And Louis T. Caire, witness for plaintiffs, being duly sworn, states, that he is a notary public in the city of New Orleans, and the successor of Philip Pedesclaux; and that Philip Pedesclaux succeeded his father, Pierre Pedesclaux, in the year 1816. The said P. Pedesclaux, last

mentioned, was a notary under the Spanish government, and continued a notary under the American Government. Witness is custodium of the notarial records and documents of P. Pedesclaux, in the Spanish language, prior to 1800, and also of many years after.

Deponent states, that Baron de Bastrop passed many acts of record in the said notarial office. He states that, at the request of H. Strawbridge, esq., and assisted by said Strawbridge, he made a careful search among the records in said office for the original Bastrop grant, but could not find it. Witness was appointed notary in the year 1826, immediately after the death of Philip Pedesclaux.

Cross examined.

States that he has had frequent occasion to look at the records of Pedesclaux, by going over the index. States that it is his impression, from the knowledge of the subject, that it was not the custom to record the grants in the office of the notary, but they were recorded, he thinks, in the office of the contadoria. States that, before the year 1800, there are no Spanish grants or concessions made by the intendant of the province of Louisiana, recorded in his notarial office. States that the usual way of his giving testimony upon documents not to be found in his office, is to certify, that after having made a careful search he has not been able to find it. He is in the habit of making such declarations of facts either orally as a witness, or under his seal and certificate of office.

LOUIS T. CAIRE.

I, N. R. Jennings, duly appointed commissioner to take evidence in land causes, do certify, that the foregoing is the true deposition of the witness Louis T. Caire, as taken down by me in writing and subscribed to by said witness.

In witness whereof I hereunto set my hand and seal this fourth day of May, A. D. 1847.

N. R. JENNINGS, *Commissioner*.

Seventh.—The plaintiffs offered in evidence the depositions of A. Cruzat and L. Bouligny, taken before the commissioner on the 26th of March, 1847.

MAYOR, Aldermen, et als., of Philadelphia and New Orleans, vs. THE UNITED STATES. } No. 21.

Examination of witnesses in the above entitled case resumed this evening, March 26, 1847. H. H. Strawbridge for the plaintiffs, and the district attorney for the defendants, being present.

Antoine Cruzat, in behalf of plaintiffs, being sworn, states, that he is seventy-two years of age; was born at St. Louis, which then formed a part of Louisiana, and came to New Orleans at the age of twelve; witness was an officer under the Spanish government in the regiment of Louisiana; was acquainted with most of the principal officers of that government; among others, he knew the Marquis of Casacalvo; in the

year 1800, the Marquis was about fifty years of age; he has understood that he is dead; he knew Tejeiro, the former commandant of Ouachita, very well; at the time of the cession the archives of government, at least the greater part of them, and among the rest those of the office of the governor and the intendant, were carried off to Havana by the officers of the Spanish government; a portion of the records with regard to the lands were carried away, some to Pensacola and some to Havana; witness thinks that the part of the archives which had been taken to Pensacola were afterwards carried to Havana, because, when Pensacola itself was afterwards ceded to the United States, its archives were also carried to Havana.

No cross examination by the district attorney.

A. CRUZAT.

Louis Bouligny, for plaintiffs, being duly sworn, states, that he is nearly sixty-six years of age, the son of Francisco or François Bouligny, who was lieutenant governor of Louisiana from about the year 1777 to 1800, and filled the place of the governor in the event of that officer's absence or death; witness [knew] Tejeiro, who was an officer in the same regiment with himself, and about the year 1800 was sent as commandant to Ouachita.

Being asked what were the powers of commandants, answers they were many. The commandants exercised both civil and military functions, and also performed the duties of notaries public, and besides had some judicial powers; they were also auctioneers, made wills, and passed sales, &c.

Witness knew the Marquis de Casacalvo, once governor of Louisiana; he died about 12 years ago; witness knew the Baron de Bastrop very well; about the year 1802, witness spent several months in Ouachita; at that time there were many families living in Ouachita who had been brought there by the Baron de Bastrop, under his contract with the Spanish government; he does not know that the families were within the limits of the grant; says that the commandant of Ouachita lived in the place which is now the town of Monroe, and about one league above the post on the right bank of the Ouachita river; the Baron de Bastrop had an establishment consisting of a saw and grist mill, which at that time, in the year 1802, he was rebuilding, the first mill and dam having been carried away by a freshet; at that time they had entirely abandoned the culture of wheat and taken to that of cotton, which then began to be valuable.

Witness knows the signature of the Baron de Carondelet, and, being shown the documents marked A 1, A 2, and A 3, he recognises them as being both written and signed by the said Carondelet.

Witness knows the signature of Carlos Trudeau; being shewn the plan and certificate marked A 4, says, they are entirely in the handwriting of the said Trudeau; remarks that he, witness, has never been within the limits of the Bastrop grant. Being shewn the document marked A, No. 5, says, that it is entirely in the handwriting of Filhiol, the first commandant of Ouachita; Filhiol died in the year 1812 or 1813; wit-

ness knows his handwriting very well, and was well acquainted with him.

Witness knew Francisco Redon, formerly intendant under the Spanish government, and knows his handwriting; being shown the document marked A, No. 6, annexed to commission to Ouachita, dated the 11th January, 1847, says, that it is signed by the said Redon, but the body of the document is not in his handwriting.

Witness being shewn the document marked A, No. 7, (a copy of the Bastrop grant annexed to the commission of 10th of July, 1846, to Ouachita,) says, that the signature of Tejeiro thereto is genuine; believes the signature thereto of Juan Villard is genuine, as it corresponds with signature of Villard to receipts in deponent's possession, given to him by said Villard in acknowledgment of moneys received from him; Villard was a merchant of Ouachita.

Being shewn the document marked A, No. 8, says, that it is entirely in the handwriting of deponent's father, Francisco Bouligny, formerly lieutenant governor of Louisiana, and comes from a bundle of deponent's family papers; witness' father died in 1800; witness has a great many papers in the handwriting of his father.

Witness states that the Baron de Carondelet is dead; he died before the revolution of the S. American colonies. States that the Baron de Bastrop is also dead; he died in Texas. The Baron de Bastrop complained bitterly of the Spanish government having forbidden the farther introduction of families, and said that he was a great loser by it, inasmuch as he had, on the Ohio, a large number of families just preparing to come down; it was a subject of frequent conversation between Bastrop and Tejeiro; Bastrop and deponent passed a great deal of time at the house of the commandant Tejeiro; deponent lived there; and the Baron de Bastrop used to sleep there two or three times a week. (The district attorney objects to the foregoing testimony containing the declaration of the Baron de Bastrop.)

Witness states that these complaints of Bastrop were made by him in conversation with Tejeiro; Tejeiro, the commandant, likewise complained of the action of the Government in preventing the introduction of families by Bastrop. (The district attorney here objected to the declaration of Tejeiro.) Witness states that the importation of emigrants was at that period very popular; witness states that he arrived in Ouachita about the year 1802, the first of October; flour at that time was very scarce and dear; witness recollects of having seen only one small field of wheat at Ouachita.

Cross examination by the district attorney.

Witness states that when at Ouachita, in the latter part of the year 1802, he resided at the house of the commandant, at a little fort called Fort Mero; this fort was one or two leagues from the tract styled the Bastrop's concession; witness himself was never upon the grant; witness has seen Trudeau working at his desk, but he cannot say that he actually looked over him when he was writing so as observe it.

Being asked why he knows the document marked A 4, to be the handwriting of Trudeau, says because it was similar to other documents made out by Trudeau for deponent in deponent's presence.

The contract of the Baron de Bastrop with the Spanish government, which is referred to in his examination in chief, witness states was in writing; whereupon the district attorney calls for said original contract in writing, and objects to any parol testimony with regard to it.

Witness was well acquainted with John Filhiol; thinks that he was a man of good education.

Witness has often seen Tejeiro sign his name, and is sure that his signature attached to document A, No. 7, is genuine; as to the signature of Juan Villard, he has not the same confidence, but judges of its genuiness from its similarity to receipt from the same man which he, deponent, has in his possession.

Witness states that at the time he was at the post of Ouachita the whole number of families at the post, and in the neighborhood, was from one hundred and fifty to two hundred.

Examination in chief resumed.

States that Tejeiro himself was a deputy surveyor, and McLaughlin, the surveyor there, frequently brought his plans to Tejeiro, who corrected them, being a skilful surveyor.

Bastrop, one evening in conversation with witness and Tejeiro, observed that Don Andres de Armesto, wished to put a clause in his, Bastrop's, grant, that there should be no American introduced into Ouachita, but that he, Bastrop, would not agree to it.

(" The district attorney objects to these declarations of Bastrop, as not being evidence.")

Cross examination resumed.

Witness states, in reply to a question from the district attorney, that Carlos Trudeau never was in Ouachita.

L. BOULIGNY.

I, N. R. Jennings, commissioner, do certify, that on this 26th day of March, 1847, Antoine Cruzat and Lewis Bouligny, witnesses on behalf of plaintiffs, appeared before me, and being duly sworn, did make the foregoing depositions, which were by me reduced to writing in their presence; and the same having been carefully read over to each witness, were subscribed by them respectively before me.

In witness whereof I hereunto affix my hand and seal, this 26th of March, A. D. 1847.

N. R. JENNINGS,
Commissioner.

Eighth. The plaintiffs offered in evidence the depositions of M. W. Hoffman and L. St. Martin, taken before the commissioner on the 7th of May, 1847.

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.

According to notices duly issued and subpœnas directed to certain witnesses, the plaintiffs and defendants in the above entitled cause, represented by H. Strawbridge, esq., for plaintiffs, and the district attorney for defendants, together with the witnesses summoned on behalf of plaintiffs, appeared before me this evening, the 7th of May, 1847, when I proceeded to take the testimony of the said witnesses, to be used on the trial of said cause.

M. W. Hoffman, witness for plaintiffs, being duly sworn, states: That he knew John Nancarrow from the early part of the year 1815, to the time when he died, which was either in the year 1818 or 1820; Nancarrow had been residing for a number of years in Louisiana, before witness became acquainted with him; that Nancarrow made a visit to Maryland from Louisiana in the fore part of the year 1815, and he remained there, visiting the residence of deponent's father, and the city of Washington occasionally, until the month of August following, when he left to return to Louisiana, and witness accompanied him; one of the objects of said Nancarrow in visiting the Atlantic States, as witness understood from said Nancarrow, and several creditors of Baron de Bastrop, was to confer with the creditors of the said Bastrop, and to sell some portions of the Bastrop grant; Nancarrow was always spoken of as the agent of the Baron de Bastrop in Kentucky and Louisiana; Nancarrow had a number of papers with him, among which were the copy of the plat of survey of the whole Bastrop's grant, and the notarial copy of conveyance from Bastrop to himself of a portion of the grant; these were the only papers of which witness had any distinct recollection.

Deponent and Nancarrow lived together when he, deponent, first came to Louisiana, after which, when deponent left the city, he went to reside with Col. Thomas, who occupied a frame building at St. John street, between Perdido and Poydras; H. Nancarrow lived there for several years; deponent frequently visited the house, when they lived together; Nancarrow left to visit Natchitoches for some business, and in the mean time, during his absence, the house that he lived in was burnt down, by which he lost every thing, books, clothes, papers, except those that he had with him in his saddle-bags; this fire took place, as well as witness can remember, some time in either the years 1819, 1820, or 1821; the witness does not know that Nancarrow had any papers with him at the time he left; it is the impression of the witness that he had nothing with him but his clothes.

M. W. HOFFMAN.

Louis St. Martin, witness for plaintiffs, being duly sworn states, that he is register of the land office at New Orleans. States that by request he has examined the said office to find the original of the Bastrop deed;

and he did not succeed in finding any papers or documents concerning it, except in a register or book entitled the "Registro de los primeros decretos de concesiones de tierras," of which deponent furnished copies to the attorney of the plaintiffs, at whose request he had made the search. He has furnished Mr. Strawbridge, the said attorney, with copies of said papers, which are true and correct copies. The said copies are now produced and exhibited by the counsel of the plaintiffs, dated by deponent the 15th of December, 1846, beginning "vistas las ventajas," and dated in the original the 21st of June, 1796; together with three short documents, dated in the original the 20th of September, 1797, and copied by deponent the 25th March, 1847, as per his certificate thereto, he recognises them to be the same which were made out for Mr. Strawbridge, the counsel for the plaintiffs.

Cross examined.

These extracts or copies referred to were made from a bound volume, and not from loose sheets; the name written on said volume is the one already given; the volume is written all in Spanish.

L. ST. MARTIN.

I, N. R. Jennings, commissioner to take evidence in land causes, do certify, that the foregoing are the true depositions of M. W. Hoffman and L. St. Martin, as taken down by me in writing, and subscribed to by said witnesses before me.

As witness my hand and seal, this 7th day of May, A. D. 1847.

N. R. JENNINGS, *Commissioner*.

Ninth. The plaintiffs offered in evidence the depositions of Louis Bringier and Thomas H. Lewis, taken before the commissioner on the 29th of March, 1847.

MAYOR, ALDERMEN, et als., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.

Clerk's office, United States district court, March 29, 1847.

The examination of witnesses in the above cause, by consent of parties, was this day resumed.

H. Strawbridge, esq., for plaintiffs, and the district attorney for defendants, appeared.

Louis Bringier, witness on behalf of plaintiffs being recalled, deposes, that as present surveyor general of the State of Louisiana, and as the successor in office of Carlos Trudeau, he has not in his office the original of the document A 4, nor any document purporting to be the original thereof. States that he has two documents in his office purporting to be copies of the original plot, and differing from the document A 4 only in the form of the certificate of Trudeau, and also signed by Trudeau.

There is no book of plans of Trudeau in the office of deponent; nei-

thet in his private capacity is the deponent possessed of the original of said document A 4; has never seen the said original, nor does he know where it is.

L. BRINGIER.

Thomas H. Lewis being sworn states, that he has known Levin Wailes ever since the year 1813. Wailes [was] register of the land office at Opelousas for many years. Deponent has seen him write and sign his name very many times, and has been familiar with his handwriting for five-and-twenty years back.

Deponent being shewn the document marked A, No. 6, recognises the writing or certificate on said document, commencing "Register's office, Opelousas," and ending with the words "Register of the land office," to be the handwriting of Levin Wailes, and his signature to be genuine.

Cross examined by the district attorney.

Deponent knew Levin Wailes personally; has known him since he was a boy; was intimate in his family. That he is now living, and resides in the town of Washington, Adam's county, State of Mississippi. That he is now a very old man, aged about seventy-eight years.

THOMAS H. LEWIS.

I, N. R. Jennings, commissioner, do certify, that on this day Louis Bringier and Thomas H. Lewis, witnesses for plaintiffs, appeared before me, and made the foregoing depositions, to which they affixed their signatures in my presence.

In witness whereof I hereunto affixed my hand, this 29th of March, A. D. 1847.

N. R. JENNINGS, *Commissioner*.

Tenth. The plaintiffs offered in evidence the depositions of J. Strawbridge and C. Prieto, taken before N. R. Jennings, commissioner. That part of Mr. Strawbridge's testimony, which had been objected to on taking the depositions was again objected to by the district attorney, so far as it went to prove that the documents therein referred to were not in the archives at Havana and Opelousas. After argument, the objection was maintained; but the parts objected to were admitted to prove, that diligence had been exerted by the plaintiffs to search for and discover the documents. The rest of the deposition was admitted.

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } April 29, 1847.

According to notices duly issued, the plaintiffs and defendants in the above entitled cause, represented by H. Strawbridge, esq., of counsel for plaintiffs, and the district attorney for the United States, appeared before me, to take the testimony of certain witnesses in behalf of plaintiffs, to be used on the trial of the said cause.

Casimir Prieto, witness for plaintiff, being sworn, states, that on the 17th of last March he was sixty-four years of age. Witness knew Vincente Fernandez Jeiro, military commandant at Ouachita; he died about seven years ago in the city of Havana very suddenly; he taught witness mathematics; witness has frequently seen him write, and he knows his signature. Being shewn his signature attached to document marked A, No. 7, he recognises it to be the proper signature and the handwriting of said Jeiro.

Cross examined.

States that he resides in the city of New Orleans where he was born; the christian name of Jeiro was Vincente; witness was never in Ouachita; does not know whose handwring the certificate above the signature of Jeiro is.

CASIMIR PRIETO.

James Strawbridge, witness for plaintiffs, being sworn, states:

That he is by profession a lawyer, and aged about twenty-six years, and has no interest, direct or indirect, in the result of this suit; witness was employed in the month of April last by the plaintiffs in this suit to go to Opelousas to examine the records in the land office of that place in search of papers relating to the Bastrop grant; Mr. Hebrard was the register of the land office at that time in Opelousas; witness made a close examination and search with Mr. Hebrard of the said papers in the said office, and was engaged for three days in said search; witness discovered no original papers whatever concerning said grant, but found only the copy of a copy of a plan, which witness brought with him to the city, which is the informal copy annexed to plaintiffs' petition, marked A.

"Besides this, he found among said papers two or three letters relating to that portion of the Bastrop grant, purporting to be signed by Morehouse, which he, Morehouse, claimed as his own.

He also found a deed of sale in English from Bastrop to Morehouse, of which he procured a copy, which said copy, marked B, is among the documents filed with plaintiffs' petition.

Witness did not find even a copy of any deed or grant from the Spanish government to Bastrop; a great many of the papers in the office were in very bad condition, torn, &c., altho' they were all put in bundles, and labelled, besides an inventory of each paper in the office taken.

(The district attorney here objects to all the foregoing evidence, as to the search and examination of witness of the papers and records in the land office at Opelousas, and the result of that search, upon the ground that he is not the keeper of said records.)

Witness was also employed recently by plaintiffs to visit Havana for the purpose of obtaining information from the records in that place in relation to the Bastrop grant; witness was employed specially by plaintiffs to search for the original title deeds to the Bastrop grant, which he failed to find; this search was made by him, witness, under the super-

vision of the keeper of the archives, who was present all the time; in their search neither he nor the keeper of the archives discovered any of the original title deeds of the Bastrop grant; witness discovered letters which mentioned said title deeds; witness, before going to Havanna, had studied the title deeds as they appeared in the State papers, and would have recognised the originals had they fallen under his observation; witness reads and speaks the Spanish language—has spoken it since boyhood; the keeper of the archives in Havana told witness that many of the papers had been carried away or stolen from the archives in Havana; and he further told witness that a commissioner from the United States, or one who styled himself such, had received in that capacity such papers as related to public grants in the United States that he required to take with him, and that no inventory or list of such papers thus taken was made; it was with great difficulty that witness could obtain access to the archives, but that once having obtained access, he was furnished with every facility by the keeper of the archives, Mr. Jose Natis.

Cross examined.

Mr. Natis aforesaid was the keeper of the archives and of all papers that related to the Louisiana grants, and of the history of Louisiana generally.

He was an officer under the captain general of Cuba; all papers emanating from his office were passed by authority of the intendant general; so witness was told by the said Natis.

(The district attorney makes the same objection to that portion of the testimony of witness, concerning the search of records in Havana by him, that he has already made concerning the search in the land office at Opelousas, and for the same reasons.)

Witness did not learn the name of the commissioner of the United States, as before mentioned; said commissioner was there, as witness understood, about eight years ago—it may be ten; Natis was not at that time keeper of the archives; he, Natis, took charge of that office in 1840 or 1841.

Examination in chief resumed.

Witness, when he was at Havana, endeavored to get the testimony of the said Natis, under a commission emanating from this court in the present suit, to prove the facts as above stated by witness, and also to prove the absence or presence of the title deeds to the Bastrop grant in the said archives, and witness was very nearly having a personal difficulty with the said Natis, in witness requesting or desiring him to be put under oath; he, the said Natis esteeming such a demand a personal insult. The said Natis would not give to witness copies of documents of any description in said archives without an order from the intendant general, who was absent from Havana at his country seat, from whence he would not return for three weeks.

JAMES STRAWBRIDGE.

I, N. R. Jennings, commissioner to take testimony in land causes, do certify, that the foregoing are the true depositions of James Strawbridge and Casimir Prieto, witnesses duly sworn, and that the same were subscribed by the said witnesses before me.

As witness my hand and seal, this 29th day of April, A. D. 1847.

N. R. JENNINGS,
U. S. Comm'r.

Eleventh. The plaintiffs offered in evidence the depositions of Louis Bringier and E. Mazureau, taken before the commissioner on the 25th March, 1847.

MAYOR, Aldermen, &c., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.
} No. 21.

According to notices duly issued to the district attorney of the United States, and subpœnas to certain witnesses to appear before me, N. R. Jennings, commissioner, this evening, the 25th of March, at 5 o'clock, in order that testimony might be taken in the above entitled cause, to be used on the trial thereof; accordingly, the counsel for the plaintiffs and the district attorney representing the defendants were present, and the witnesses on behalf of the plaintiffs, for whom subpœnas were issued, when I proceeded to take their depositions.

Louis Bringier, witness for the plaintiffs, being duly sworn, states, that he is sixty-four years of age; that he is the same person who was surveyor general of Louisiana; that he was born in Louisiana, and left there when about ten or eleven years of age to go to the State of New York, where he remained for a year and a half; then returned to Louisiana, and continued here until he was eighteen or nineteen years of age.

Being shewn two letters, now marked A 1 and A 2, A No. 1 bearing date the 2d of June, 1796, and A No. 2 bearing date the 2d of April, 1795, he recognises the signatures thereto of the Baron de Carondelet as being, to the best of his belief, the handwriting of the said Carondelet, (these documents 1 and 2 were attached to a commission from Ouachita, dated the 11th of January, 1847.) Witness being shewn document marked A 3, produced by the counsel for plaintiffs, believes, in like manner, that the signature thereto is the handwriting of Baron de Carondelet.

Deponent knew the late Carlos Trudeau well; he does not recollect well the time when he died; he was the surveyor general of the province of Louisiana; he knew the handwriting of the said Trudeau, and a part of his official documents as surveyor general are in the possession of deponent in his own official capacity as surveyor general. Witness being shewn the document marked A 4, states that the writing thereon is the genuine handwriting of Carlos Trudeau, as well the writing on the plan, and the description underneath is the handwriting of the said Trudeau. Witness being asked what was the reason that Carlos Tru-

deau gave the copies, taken by himself from originals made by himself, the same date as was borne by the originals, although sometimes made long after?

This question was here objected to by the district attorney, upon the ground that it refers to the motives of Carlos Trudeau, which the witness could not know personally, and could only give his opinion of.

And the answer was not insisted upon. Deponent states that Trudeau was in the habit of surveying personally; that he surveyed personally the whole of the Lafourche country by the order of the Government.

Cross examined by the district attorney.

Witness was in Louisiana from the year 1794 until 1803. During this time he lived on his father's plantation in the parish of St. James. Witness never saw the Baron de Carondelet write. He never saw Carlos Trudeau write.

Being asked how he knows that the plan on the upper part of the document A 4 was written by Trudeau, says, because they are recorded in his office, and he has to look over them and copy them.

He did not see Carlos Trudeau write the plan; never saw him make any plan at all.

Deponent remained in Mexico until the latter part of the year 1808, having gone there in the year 1805. Being asked how he knows that Trudeau made surveys, personally, in the field, says, that he knows it from having seen several returns and field notes in Trudeau's handwriting; does not know it in any other way than from this fact.

Knew Trudeau personally; he was an old man in 1800; witness never knew Trudeau to be engaged, personally, in surveying.

LS. BRINGIER.

Etienne Mazureau, on behalf of plaintiffs, being sworn, deposes, that he was seventy years of age the 15th of March, 1847; he has been in the State of Louisiana upwards of forty-three years, having arrived in Louisiana on the 5th of March, 1804.

That his profession has been a member of the bar ever since his first residence in the country; that he has been a member of the legislature as well in the lower house as the senate of the State, and also filled for many years the office of attorney general of Louisiana. Deponent was perfectly well acquainted with the late Carlos Trudeau; he filled the office of surveyor general of the province of Louisiana under the Spanish government. Witness has seen him write very frequently, and is therefore well acquainted with his handwriting. Witness, being shewn the document marked A 4, states, that he has no doubt but that the whole of the document, plan and all, is in the handwriting of Carlos Trudeau. Witness is sure of it.

The document itself is only a copy.

Being asked what the system of surveying was under the Spanish government, answers:

Mr. Laveau Trudeau kept his office about a mile and a half below the city of New Orleans. He had several deputies in different parts of the province, who were denominated agreemensores particulieres; that is, from the time that the intendant general, Don Juan Ventura Morales, was vested with the power of granting lands belonging to the royal domains, which until then existed in the governor; as long as the power was vested in the governor, when any application was made to him for any grant of land, the order of survey would issue from the governor to the commandants of the places within whose jurisdiction the land applied for was situated. Sometimes it was directed also to Mr. Laveau Trudeau himself, as surveyor general; he then, when the survey was to be made a long distance from New Orleans, would direct it either to the commandant of the particular post, district, or place, or to some sworn deputy of his; then the return was made to him, Trudeau, and the whole of it was considered to be his own work—he being answerable for it in the same manner that our sheriff is for the returns of his sworn deputies. Witness has known several instances of return made directly by him, Trudeau, immediately after the order of survey was issued to him, stating that the land had already been granted to some one else; of which no one could know better than himself, because in his office was kept a book or registry in which every grant formally made was registered. Such returns were made in consequence of the order of survey being made in the following words, to wit: "El agrimensor general de esta provincia pondrá á la parte en posecion de la tierra que solicita, siendo vacante, y era causadas las diligencias de apeo me las remitira, para que se despache el título en forma."

The surveyor general shall put the party in possession of the land which he solicits, the same being vacant; and, after the survey shall be made, he will report the same, so that the title may be finally despatched; or some other words to that effect.

(The foregoing Spanish sentences, and the translation thereof, is in the handwriting of the witness.)

The regulations for granting the lands and issuing the final title were laid down or prescribed by Morales in the year 1795. Copies could be issued only from the office of the surveyor general in the same way as now exists in the offices of notaries public, and possessed the same or like force and effect as copies from notary public. Witness refers to the surveys. The copy, marked A 4, already referred to, is in the usual form of such copies. Witness states that Carlos Trudeau died about the year 1811, some time before the war; he can't exactly say when. Carlos Trudeau during his lifetime had the possession of his papers, and his widow for some time after his death. Some were then stolen or carried away, by whom he could not tell, to the Havana.

Carlos Trudeau continued to act as surveyor general after the change of government, and so did many of the other officers, to wit, "the commandant, &c;" Governor Claiborne having made as little change as possible.

Upon the cession of the province of Louisiana to the United States,

there were no inventory taken of the documents or the records in the several offices of the government; hence, many of them were taken out of the country. And it is to the personal knowledge of deponent that, under the direction of the Marquis de Casacalvo, many of them were taken by the Spanish officers.

"Being asked what the duties of a commandant were," answers, that his powers were very general; he had the powers pretty much of a justice of the peace in civil and criminal matters; was a notary public, auctioneer, and a commandant of the militia.

The Marquis de Casacalvo, witness states, in the year 1800, was about fifty years of age. He is certain that he is now dead. Witness being shown the document marked A No. 1, A 2, and A 3, and the signatures thereto of the Baron de Carondelet, recognises them to be the handwriting of the said Carondelet.

Witness being shewn the document marked A 5, and the signature thereto of Filhiol, says that he does not sufficiently well remember the signature of Filhiol to identify it.

States that Filhiol was an ignorant man; and, having examined and read a part of the body of the document, says that it is expressed in better style than Filhiol could have written. Such are the impressions of witness. It has been a long time since witness saw either Filhiol or his writings. He never saw his writing more than two or three times.

Cross examined by the district attorney.

When the deputy surveyor returned his process verbal, field notes, and plots, they were preserved when they were well executed; in all cases the surveyor transferred the plots to his own book, and the surveys were therefore considered his own works. Witness himself had seen some of these plots himself made by the deputy surveyors, especially by Pintado who executed them very well. Trudeau never went further, to his knowledge, to make surveys than 14 or 15 miles above or below the city of New Orleans, except when once he went to the Attakapas to settle the differences which had arisen between certain neighbors in that part of the country called Carrion Crow. A suit existed between René Trahan and Francis Broussard and others, under the Spanish government; the suit was settled by the final decision of the superior court of the Territory of Orleans. The report of Trudeau was made the basis of it. Witness' knowledge of Carondelet's writing was derived from having seen an immense number of public documents, some written by him, and others signed by him. Witness never saw Carondelet himself.

Examination in chief resumed.

Being asked who Francisco Bouligny was, answers, that he was a colonel in the Spanish army; and at one period, for a short time, held the office of governor of the province. States that Louis Bouligny, of this State, now living, is the son of the said Francisco Bouligny.

MAZUREAU.

I, N. R. Jennings, duly appointed commissioner to take testimony in land causes, do certify, that I was attended by the foregoing witnesses, Louis Bringier and Etienne Mazureau, who being duly sworn, did depose as is above written; that the said depositions were taken down by me in their presence; and the said witnesses subscribed their names thereto before me.

In witness whereof I hereunto affix my hand and seal, this 25th day of March, A. D. 1847.

N. R. JENNINGS, [SEAL.]
Commissioner.

Twelfth. The plaintiffs offered in evidence certain advertisements of title deeds to Bastrop grant, contained in the Ouachita Courier, of November 21st and 28th, 1846, and December 5 and 12th, 1846, and in the New Orleans Commercial Times, of July 7th, 14th, 26th, and 29th, 1847.

The district attorney objected to the reception of the same as evidence.

The court, after consideration, overruled the said objections and admitted the said advertisements as evidence.

Extract of the Ouachita Courier.

Monroe, La., November 21, 1846.—(Vol. 1, No. 6.)

Advertisement.

Any person having in his possession, or knowing any one having, the original title papers or documents of the "Bastrop grant," (which are lost or mislaid,) or duplicate of the same, are respectfully requested to give the necessary information to H. Bry, at Monroe, Louisiana, or to the subscriber, attorney and counsellor at law, at New Orleans.

H. H. STRAWBRIDGE,
Attorney and counsellor for the cities of Philadelphia and New Orleans.

The documents alluded to in the above are in the Spanish language, of which the following is a translated extract, to wit:

1. Petition of Baron de Bastrop to Baron Carondelet, governor general of the provinces of Louisiana, &c., for a grant of twelve leagues square, to settle thereon the families he intends introducing in Ouachita; the government taking the charge of conducting and supplying said families from New Madrid to Ouachita, furnishing them with provisions for their subsistence during the first months, &c., dated New Orleans, 20th June, one thousand seven hundred and ninety-six, (1796,) —ought to be one thousand seven hundred and ninety-five, (1795.)

2. Decree of Baron de Carondelet granting the petition of Bastrop, ordering the commandant at Ouachita, John Filhiol, to designate twelve leagues square for the purpose of placing the families he may direct, the governor taking charge of them from New Madrid, and furnishing them with such provisions as they may need, limiting the number of families to be so introduced to five hundred, dated at New Or-

leans, 21st June, one thousand seven (1796) hundred and ninety-six—ought to be one thousand seven (1795) hundred and ninety-five.

3. Concession, dated 20th June, one thousand seven (1796) hundred and ninety-six, granting to Baron de Bastrop the twelve leagues square designated by the commandant, John Filhiol, verified by Laveau Trudeau, surveyor general, as per figurative plan annexed thereto; Baron de Carondelet, governor general, granting the same to Bastrop by virtue of the power given to him by the King, and in his royal name.

4. Contract of Bastrop with the government, detailing the provisions to be given to the families introduced by him during six months after their arrival at Ouachita, approved by Juan Ventura Morales, intendant, with the intervention of Gilbert Leonard, principal contador (treasurer) of the army, &c., signed by both, and dated at New Orleans, 16th June, one thousand seven (1797) hundred and ninety-seven.

5. Official letter of Baron de Carondelet to Bastrop, requesting him to suspend the introduction of families in his grant, and this at the solicitation of the intendant, on account of want of funds, &c., dated at New Orleans, 18th June, one thousand seven (1797) hundred and ninety-seven.

Monroe, La., November 21, 1846.—64 w.

Same advertisement published in the same newspaper, under dates November 28th, December 5th and 12th, 1846, Vol. 1, Nos. 7, 8, and 9.

The New Orleans Commercial Times, Vol. II, New Orleans, Wednesday morning, July 7, 1847, number 209.

(*Advertisement.*)

Any persons having in their possession, or knowing where to find, the original title deeds of the "Bastrop grant," (which are lost, destroyed, or mislaid,) or who possess or know where to find duplicates of the same, are respectfully requested to give information concerning said documents, or any of them, to the Hon. Henry Bry, at Monroe, Ouachita, La., or to Messrs. H. H. Strawbridge and P. Soulé, solicitors of the cities of Philadelphia and New Orleans, at the latter city.

The documents referred to, of which the following is a translated abstract, are all in the Spanish language:

First. Petition of the Baron de Bastrop to the Baron de Carondelet, governor general of the provinces of Louisiana, &c., for a grant of twelve leagues square, upon which to settle families which he intends introducing into Ouachita; the government undertaking the cost of conducting such families from New Madrid to Ouachita, and of furnishing them with provisions, &c., during the first months, &c., dated New Orleans, 20th June, 1796.

Second. Decree of Baron de Carondelet, governor general, &c., granting the petition of De Bastrop, and ordering Don Juan Filhiol,

commandant of Ouachita, to designate twelve leagues square of land, on the Ouachita river and bayou Siar, for the purpose of placing there such families, not exceeding 500, as De Bastrop might direct; the government taking charge of conducting them from New Madrid to Ouachita, and of their support during six months; allowing, also, the export of flour from the mills of Ouachita to Havana duty free, and liberty of religion to the settlers; but the Catholic alone to be a public worship; dated at New Orleans, June 21st, 1796.

Third. Formal concession, granting to the Baron de Bastrop the twelve leagues square designated by the commandant, Don Juan Filhiol, and according to a figurative plan of survey by Don Carlos Laveau Trudeau, surveyor general, prefixed thereto; Baron de Carondelet, governor general, &c., by virtue of the powers vested in him by the King of Spain, and in his royal name, granting the same according to the limits, metes, and boundaries of said plan, in order to avoid obstacles, difficulties, and delays, and to enable the Baron de Bastrop to proceed with every facility in locating thereon the families introduced; dated at New Orleans, the 20th of June, 1797.

Fourth. Original figurative plan of survey, by Don Carlos Trudeau, royal surveyor, &c., of the province of Louisiana, of 144 superficial plane leagues of land, in the post of Ouachita, about eighty leagues above the junction of the Ouachita and Red or Colorado rivers, and on the waters of the Ouachita and of the bayous Barthelemy and Siard; also a certificate and description of the plan of survey accompanying said plan, and given in favor of the Baron de Bastrop; dated June 14th, 1797.

Fifth. Philip de Bastrop's petition to the Baron de Carondelet, governor, &c., stating that part of the twelve leagues square, granted by him to the former, are partly inundated and occupied, and requesting, in lieu of the portions so inundated, &c., an equal quantity of land on the river Ouachita and bayous Barthelemy and Siard. Also the Baron *the* Carondelet's decree thereon in the margin, granting the petition as requested. Both dated 10th of June, 1797, at New Orleans.

Sixth. Contract of Baron de Bastrop with the Spanish government to supply certain rations to the families latterly introduced by him into Ouachita, at the price of a real and a half each, to be paid him by the government. Approved and signed by Juan Ventura Morales, intendant, and by Gilberto Leonard, contador of the army, and signed also by the Baron de Bastrop. Dated at New Orleans, 16th of June, 1797.

Seventh. Official letter and decree of the Baron de Carondelet, addressed to the Baron de Bastrop, ordering him to suspend the farther introduction of families until the determination of the King shall have been notified to him; suspending, also, the contracts of said Baron, without prejudice to his rights, until such notification, or two years thereafter. Said decree being rendered at the instance of the intendant, and on account of the scarcity of funds. Dated at New Orleans, 18th of June, 1797. Jy. 7, 3t.30d.

Same advertisement published, in the same newspaper, under dates July 14th, 26th, and 29th, 1847, vol. II, Nos. 215, 225, and 228.

Thirteenth. The plaintiffs offered in evidence (in connection with Hatch Dent's receipt, already admitted,) the depositions of H. A. Bullard and Wm. Flower, taken before the commissioner on the 30th November, 1847.

MAYOR, Aldermen, et als., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.
} No. 21.

Testimony for plaintiffs in this cause taken before the commissioner.

Henry A. Bullard, being duly sworn in behalf of the plaintiffs, deposes, that he is fifty-nine years of age, and that he has been in the State of Louisiana since the year 1813, during which time he has been a member of the bar, and for many years judge upon the supreme bench of the State.

Deponent knows the signature of Hatch Dent, from having seen his signature affixed to many public records in the parish of Rapides, appertaining to the parish, and also to many documents belonging to the land office at Opelousas.

Deponent states that Hatch Dent was, as he understood, employed as an agent or deputy to receive land claims at Rapides, for the land office at Opelousas; he acted as deputy of the register of the land office at Opelousas.

Witness being shewn the document filed on the 3d of February, 1847, and offered in evidence by plaintiffs on trial the 29th November, 1847, said document being dated Rapides, December 27, 1807, purporting to be a receipt to A. Morehouse for certain documents *for certain documents* therein described, and signed Hatch Dent, deputy register, states that he believes said signature to be in the handwriting of said Hatch Dent; the date and words "office fees paid," in the margin, he believes also to be in the handwriting of said Dent.

Deponent states that Hatch Dent has been dead many years.

Cross examined by the district attorney.

States that he does believe Hatch Dent was dead before he came to the country, as before stated, in the year 1813. Deponent did not know him personally, and never saw him write his name. Deponent never saw any thing purporting to be the signature of Hatch Dent before 1820. The signatures which witness refers to as having been seen by him in the parish of Rapides, as before stated, were not his official signatures, but signatures to contracts, &c. Witness understood that Mr. Dent acted as an assistant to the register at Opelousas, to receive entries of land claims in the parish of Rapides, and that part of the territory under an act of Congress passed for that purpose shortly after the purchase of Louisiana.

Deponent thinks that Levin Wailes was register of the land office in Dent's time.

H. A. BULLARD.

William Flower, witness for plaintiffs, being duly sworn, states, that he is sixty-four years of age; that he was born in the State of Louisiana. States that he knew, personally, Hatch Dent, of the parish of Rapides.

States that Hatch Dent is dead, and thinks that he died about thirty years ago. He cannot recollect the precise time of his death, but, from various events occurring, he fixes the period at, as nearly as he can recollect, about thirty-four years ago.

Deponent states that he does not believe that he has ever seen Hatch Dent write, but used to be familiar with his handwriting and signature, from having corresponded with and received letters from him.

Witness being shewn the document given in evidence by plaintiffs on trial yesterday, purporting to be a receipt from said Dent to Abraham Morehouse for certain papers therein described, dated December, 1806, states that, to the best of his knowledge and belief, the signature of said Dent to said document is genuine.

Deponent states that it has been so long a time since he saw the signature of Dent that he can speak only from general recollection; that when questioned by H. Strawbridge, esq., this morning, as to the fact of his knowing the signature of said Dent, and not having then seen the document at present before him, and exhibited now for the first time to him, he nevertheless described to said Strawbridge the characteristics of Dent's signature, and deponent now discovers, on examining said document, that Hatch Dent's signature thereto corresponds with his description.

Deponent states that, to the best of his knowledge and belief, the words in said document, Rapides, Dec. 27, 1806, just above the signature of Hatch Dent, and the words "office fees paid," in the margin, are also in the handwriting of Dent.

No cross examination by the district attorney.

WILL'M FLOWER.

I, N. R. Jennings, duly appointed commissioner to take testimony in land causes, do certify, that the foregoing is the true testimony of Henry A. Bullard and William Flower, witnesses introduced on behalf of the plaintiffs, as taken down by me in writing.

I further certify, that the said testimony, after being read to the said witnesses, was signed by them before me.

In witness whereof I hereunto set my hand and seal this 30th day of November, A. D. 1847. N. R. JENNINGS,

Commissioner.

Fourteenth. The plaintiffs offered in evidence the deposition of J. F. E. Livaudais, taken before the commissioner on the 2d December, 1847.

MAYOR, ALDERMEN, et als., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.
} No. 21.

According to notices duly issued, that depositions of certain witnesses to be used on the trial of this cause as above entitled would be taken before me, the undersigned commissioner, this day, at 1 o'clock, P. M.:

Accordingly, the plaintiffs appeared, represented by their counsel, H. Strawbridge, esq., and the defendents, represented by their counsel, the United States district attorney.

Jaques François Enoul Livaudais, witness for plaintiffs, states, that he is seventy-six years and two months old; born in Louisiana.

Witness states, that he knows the signature of Andres Lopez Armesto, secretary to the Baron Carondelet, and he knows the signatures of the Baron de Carondelet also, from having seen both of them write.

Witness being shewn a book entitled "Registro de los primeros decretos de concesiones de tierras," brought from the United States land office at New Orleans by virtue of a subpœna duces tecum to that effect, the said book being composed of several quires of paper, bound together so as to form one volume, the first of said quires bearing date 1793, and the rest the date of successive years down to 1799.

States that the paper of said quires is Spanish paper, such as was used at those dates. Witness being shewn a signature of Baron de Carondelet affixed to a grant endorsed on a petition of one Pedro Delaronde, dated 11th March, 1797, says that the signature of said Carondelet thereto is genuine; that he knows also the signature of Delaronde to the aforesaid petition, and he knows it to be genuine.

Witness being shewn a number of signatures purporting to be those of Andres Lopez Armesto, interspersed through said quires as bound up in said book under various dates, says that they are undoubtedly the genuine signatures of said Armesto. States that each quire in said book bears the date of a different year: *states*.

Witness being shewn the following words, "Los antecedentes son copias de los primeros decretos de concesiones, dados por el Gobierno Español, 'signed' Andres Lopes Armesto," which words appear at the end of every quire in said volume, states, that both the words and the signature are in the handwriting of said Armesto. Being shown the registry of the decrees of concession contained in said book, says that he recognises some of them to be in the handwriting of Tessier, and some in the handwriting of Mercier; both of whom were clerks or secretaries in the office of the governor.

Witness being shewn the particular quire in said volume entitled "Registro de los primeros decretos de concesion, 1795 y 1796," which appears to embrace the concessions of parts of those two years, says, after turning it over leaf by leaf, that it appears to be principally in the handwriting of the said Tessier and Mercier, both of whom he has seen write; three or four entries in said book, he says, strongly resemble the

handwriting of the Baron de Carondelet, but he cannot express himself positively as to the fact; other entries are in the handwriting of persons whom deponent does not know. The certificate and signature to the end of the aforesaid document just described, is doubtless in the handwriting of the said Armesto.

Being shewn at page 18 of said quire or document the record of a grant to the Baron de Bastrop, under date of the 20th of June, 1796, beginning with the words "vistas las ventajas," and purporting to be a grant of 12 leagues square on the bayou Siar to said Baron, and being likewise shewn the registry of another grant, bearing date the 21st of June, 1796, purporting to be a grant of six toises of land on each side of the bayou Siar from the source to its mouth, with the privilege of erecting thereon dykes and mills, says that [he] believes both of said decrees are in the handwriting of said Mercier.

Witness being shewn a document not bound in said book above mentioned and described, but produced by the register of the land office under a writ of sub. duces tecum from a mass of loose documents in the land office, which purports to be a grant to one Michael Rogers in 1799, of five arpents front on the Ouachita river by forty deep, near the long reach of the Prairie des Kanots, says that the signatures thereto of Gilberto Leonard, el Serano, Morales, Carlos Ximenes, thereto are genuine; that he has seen all said persons write. Witness does not know the signature of Filhiol thereto, but he knows that Filhiol was a commandant at Ouachita. He says that the papers on which said document was written, which is old and rather discolored, as well as the writing thereon, is Spanish paper, such as was used in the Government offices at the time when it seems to bear date.

Carlos Ximenes was a military notary, and Pedro Pedesclaux was also a notary, but of the cabildo, according to his recollection. Serano was an alcalde and lawyer, a very learned and talented man.

Witness knew almost all the officers of the general government about that time, and was upon terms of tolerable intimacy with them in society. Those to whom he has referred in his deposition he knew personally.

He knew the Baron de Carondelet well, and visited his family frequently. He knew well the Baron de Bastrop, who was in New Orleans under the administration of the Baron de Carondelet, to wit, from 1796 downwards. Bastrop frequently dined in the house of deponent's father.

Deponent states, that at the time of the cession of Louisiana to the United States, the greater portion of government archives were carried out of the country by the Spanish government.

Cross examined by the district attorney.

Has seen the Baron de Carondelet write; witness was a military officer under under the Spanish government.

F. LIVAUDAIS.

I, N. R. Jennings, duly appointed commissioner to take testimony in land causes, do certify, that the foregoing is the true deposition of J. F. E. Livaudais, a witness introduced by plaintiffs, as taken down by me in writing.

I further certify, that the said deposition, after being read to the witness, was subscribed to by him before me.

In witness whereof I hereunto set my hand and seal, this second day of December, A. D. 1847.

N. R. JENNINGS, *Commissioner.*

Fifteenth. The plaintiffs offered in evidence the deposition of James Strawbridge, taken before the commissioner on the 30th November, 1847, as to the signature of Mr. Nattés, archive keeper at Havana.

MAYOR, ALDERMEN, et als., of Philadelphia and New Orleans, vs. THE UNITED STATES. } No. 21.

Testimony for the plaintiffs, to be used on the trial of the above entitled cause, taken by consent of parties without notice before N. R. Jennings, commissioner.

James Strawbridge, witness for plaintiffs, being duly sworn, states that he is aged upwards of twenty-six years; that he has no interest in this suit. Deponent states that he knows the signature of José del Rosario Nattés, keeper of the government archives at Havana, Island of Cuba; he knows the signature from having seen said Nattés write, and [from] having received letters from him, and one a letter of introduction written by Nattés himself in deponent's presence and handed to him. Deponent being shewn two documents purporting to be signed by said Nattés, both dated at Havana, on the 10th of April, 1847, and both of said documents being certified to by Robert B. Campbell, United States consul at Havana, under date of the 12th of May, 1847, states that the signature of said Nattés to said two documents are genuine.

JAMES STRAWBRIDGE.

I, N. R. Jennings, duly appointed commissioner to take testimony in land causes, do certify, that the foregoing is the true testimony of the foregoing witness, James Strawbridge, introduced by plaintiffs, as taken down by me in writing.

And I further certify, that the foregoing testimony, after having been read to the witness, was subscribed to by him in my presence.

In witness whereof I hereunto set my hand and seal, this 30th day of November, A. D. 1847.

N. R. JENNINGS, *Commissioner.*

Sixteenth. The plaintiffs offered in evidence the affidavit of their attorney, H. H. Strawbridge, esq., (filed February 3d, 1847,) to prove the facts therein set forth, especially the loss of the title deeds of the Bastrop grant therein referred to, and his search therefor on behalf of the plaintiffs; also, with said affidavit, the several motions of plaintiffs on

the district attorney and land registers (filed at various times) to produce title deeds, the proceedings consequent thereon, and the certificates of M. McIntire, U. S. land register at Opelousas, (filed 15th March, 1847, and 11th May, 1847,) of J. F. Payne, U. S. land register at Natchitoches, filed 29th March, 1847; and that of D. B. Richardson, U. S. land register at Ouachita, (filed 2d April, 1847,) sworn to by said registers.

Said motions, subpœnas, and answers thereto being offered to prove that plaintiffs have called on defendants to produce the documents called for, and that they have not been produced, and to prove as far as possible their loss.

1. Affidavit of H. H. Strawbridge, attorney for plaintiffs, already copied: see page 201 of this transcript.

2. Motion of plaintiffs on the district attorney: see page 201 of this transcript, filed 3d February, 1847.

3. Motion of plaintiffs, on M. McIntyre, Paine, and D. B. Richardson, U. S. land registers, and the marshal's return on the subpœnas duces tecum: see page 210 of this transcript—said motion filed on the 20th of February, 1847.

4. Motion of plaintiffs on M. McIntire, U. S. land register, filed on the 13th April, 1847: see page 219 of this transcript.

5. Motion of plaintiffs on M. McIntire, U. S. land register, filed on the 29th April, 1847: see page 223 of this transcript.

6. Motion of plaintiffs on M. McIntire, U. S. land register, filed 25th March, 1847, and the marshal's return on the subpœna duces tecum: see page 218 of this transcript.

Answer of M. McIntire, filed on the 15th March, 1847.

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans, vs. THE UNITED STATES. } No. 21.

U. S. district court for the district of Louisiana.

M. McIntire, register of the United States land office at Opelousas in Louisiana, in answer to the writ of subpœna duces tecum, and commanding him to produce in this court on the 3d Monday of March, 1847, certain original deeds, described in the receipt of Hatch Dent, a copy of which has been served upon him with said subpœna, now appears, and for return and answer to said subpœna says, that none of said original documents are in his possession, except the mere notice of entry, either in his said official capacity or in his individual capacity; that he has made careful and diligent search therefor among the records of the said land office, but has not discovered the said documents or any of them therein, nor does he know where they are to be found.

M. McINTIRE.

Sworn to and subscribed before me, this 15th day of March, A. D. 1847. N. R. JENNINGS, *Clk.*

Affidavit of M. McIntire, filed 11th May, 1847.

The undersigned, register of the land office for the district of Opelousas, State of Louisiana, having been served by the United States marshal with an order and writ of subpœna duces tecum, issued in the case of the Aldermen, Mayor, &c., of Philadelphia and New Orleans, (No. 21 on the docket of land suits of said court,) commanding him to produce in said court, on or before Saturday, the 15th of April, 1847, a certain document described in said subpœna, a copy of which document has been served upon him therewith, doth now certify and affirm, in answer and for return to said order and writ, that he has searched the records as minutely (of the land office aforesaid) as the time and circumstances would permit, and that he cannot find therein the document called for in said subpœna, nor does he recollect ever having seen it, nor does he know where it is to be found; that the time allowed, and the pressure of business, and the health of the register precluded the possibility of making a search through the whole office (the labor of weeks;) but that he affirms that it is not in such places as might be expected to be found with other papers of a similar nature and class, &c. That he cannot affirm positively that the paper is not in office, but that from the time allowed, &c., he cannot find it in time to transmit it to Orleans, even if it should be in office.

M. McINTIRE, *Register.*

Sworn to and subscribed at Opelousas, the 7th May, 1847, before me,
R. TAYLOR,
Justice Peace, St. Landry.

Answer of J. F. Payne, U. S. land register, filed 29th March, 1847.

STATE OF LOUIFIANA, *parish of Natchitoches.*

I, John F. Payne, register of the U. S. land office for northwestern district of Louisiana, in answer to the order and writ of subpœna duces tecum, issued from the district court of the United States for the district of Louisiana, on the 20th day of February, 1847, in the suit of the Mayor and Aldermen of Philadelphia and New Orleans vs. the United States, No. 21 on the docket of land claims, do depose and say, that the papers described in the copy of the receipt of Hatch Dent, which was served upon me with said subpœna, is not in the land office of which I am register, nor in my possession, either officially or individually; nor do I know where said documents are to be found, although I have made diligent search therefor among the archives of my said office.

JOHN F. PAYNE,
Register land office, Natchitoches.

Sworn to and subscribed before me, this 24th day of March, 1847.
S. S. BOSSIER,
Justice of the peace in and for parish of Natchitoches.

Answer of D. B. Richardson, United States land register, filed 2d April, 1847.

LAND OFFICE AT OUACHITA, LA.

The undersigned, register of the United States land office for the district of Ouachita, La., having received from the United States district court for the district of Louisiana an order and writ of subpœna duces tecum, issued in the case of the Mayor, Aldermen, &c., of Philadelphia and New Orleans, No. 21 on the docket of land suits of said court, commanding him to produce certain title deeds described in the copy, a receipt of Hatch Dent, served on him with said subpœna, deposes and says, in answer to said order and writ, that he has searched the records of the land office, whereof he is register, but cannot find therein the documents described in said receipt; nor are they or any of them in his individual or official possession; nor does he know where they are to be found.

D. B. RICHARDSON,
Register of the land office at Ouachita, La.

Sworn to and subscribed before me, on this 29th day of March, 1847.
PAUL McENERY,
Justice of the peace.

To N. R. Jennings, clerk of the U. S. district court, New Orleans—Fee for searching records, &c., $5.

Seventeenth. The plaintiffs offered in evidence, in connection with the deposition of Livaudais, and in a book brought under sub. duces tecum from the U. S. land office at New Orleans, and entitled "Registro de los primeros decretos de concesion," an entry, registry, or record of the grant to the Baron de Bastrop, dated 21st June, 1796, and beginning with the words "Vistas las ventajas," and copy of said entry or registry, certified by Ls. St. Martin, register at N. Orleans, under date of the 15th December, 1846; said copy only to remain on file.

Land office, southeastern district of Louisiana.

1796, Junio 21.

Vistas las ventajas que deben resultar del establecimto. proyectado por el sor. Baron de Bastrop, el comte. del Ouachita, Dn. Juan Filhiol señalará doce leguas en quadro, mitad del lado del bayu de Siar, y mitad del lado de enfrente del Ouachita, para ir colocando en ellas las familias que el enunciado baron fuere dirigiendo; bien entendido qtte á ninguna se ha de dar mayor concesion de tierra que la de quatro cientos arpanes quadrados á lo mas, grátis, y libres de todo derecho, respecto á que el objeto de este establecimto. ha de ser solo para la cultura del trigo.

Siendo libre la extraccion de los productos de esta provincia, no debe dudar el suplicante el que le será permitido extraer la harina que fabricase en los molinos del Ouachita para la Havana, y demas puertos permitidos para el libre comercio de esta provincia.

Se encargará el gobo. de la conduccion de las familias desde Nuevo Madrid hasta el Ouachita, y se les darán los víveres que parezcan suficientes pa. su manutencion durante seis meses, y para proporcionarles sus siembras. No serán molestados en materia de religion, y ..... permitido públicamente el culto Cathólico Apostólico Romano, y podrá el suplicante conducir hasta el número de quinientas familias.

Siempre que pasados tres años no se hubiere verificada la mayor parte del establecimiento, se ocuparán por las primeras familias que se presenten las doce leguas en quadro, destinadas para las que enviará el sor. suplicante.

REGISTER'S OFFICE, *New Orleans.*

I, Louis St. Martin, register of the land office at New Orleans, do hereby certify the foregoing document to be a true copy taken from one of the records now in my possession, and entitled "registro de los primeros decretos de concesiones de tierra," for the years 1795 y '96, at pages 18 and 19, Libro No. 8.

In faith whereof I hereunto subscribe my name, this 15th day of December, 1846.

L. ST. MARTIN, *Register.*

Translation.

1796, June 21.

Considering the advantages which must result from the establishment projected by the Señor Baron de Bastrop, the commandant of Ouachita, Don Juan Filhiol will designate twelve leagues square, half on the side of the bayou de Siar, and half on the side opposite the Ouachita, for the purpose of proceeding to locate upon them the families which the aforesaid Baron may direct; it being well understood that to none shall there be given a greater concession of land than that of four hundred square arpens, at most, gratis and free from all dues, inasmuch as the object of this establishment is to be only for the cultivation of wheat.

The exportation of the products of this province being free, the petitioner need not doubt that it will be permitted to him to export the flour which he may manufacture in the mills of the Ouachita to the Havana, and other places permitted to the free commerce of this province.

The government will charge itself with the conducting of the families from New Madrid to Ouachita, and will give them the provisions that may appear sufficient for their maintenance during six months, and for *purportioning* out of them their seeds for sowing. They shall not be molested in the matter of religion, and the Catholic Apostolic Roman worship shall alone be publicly permitted; and the petitioner may introduce to the number of five hundred families: Provided, that if after the lapse of three years the greater part of the establishment shall not have been made good, the twelve leagues square, destined for the families which the señor petitioner will send, shall be occupied by the first families that may present themselves.

Eighteenth. The plaintiffs offered in evidence a copy of the Bastrop grant, dated Ouachita, 18th January, 1804, executed before V. F. Tejeiro, commandant of said post, and two witnesses, with the order of Tejeiro and petition and receipt of the Baron de Bastrop therein, all forming one document. The introduction of this evidence was objected to by the district attorney, and, after long argument of counsel, was admitted in evidence by the court. (Said copy of title deeds came annexed to return to commission issued 10th July, 1846.) The document is marked A No. 7.

Copia de una concesion de tierra de Sor. Baron de Carondelet al de Bastrop.

SOR. COMANDANTE:

El Baron de Bastrop, vecino de este distrito, con el devido respecto ante vm., parece y dice, que siéndole absolutamente necesario pa. una solicitud qe. piensa hacer el tener una copia, certificada pr. vm. y dos testigos, de la peticion que el suplicante hizo al señor Baron de Carondelet, gobernador gral. de estas provincias entonces, el decreto y un oficio de dho. sor. gobernador, y concesion que á nombre de S. M. le hizo de ciento quarenta y quatro leguas planas de tierra, cuyos originales devidamente acompaña, y siéndole de la mallor importancia estos documentos á vm.;

Suplica se sirva darle las dhas. copias y dejar las iguales en el archivo de esta comandancia, pa. que en todos tiempos pueda con facilidad sacar las copias que necesite, y de volverle los originales, pa. qe. pueda hacer de ellos el uso que le convenga; gracia qe. espera recivir de vmd.

Ouachita, 18 de Enero de 1804.

BARON DE BASTROP.

Don Vizente Fernandez Texeiro, teniente del regimiento [de] infantería de la Luisiana y comandante militar y político de este puesto y su jurisdiccion.

En vista de la anterior solicitud del sor. Baron de Bastrop, vecino de este distrito, no pareciéndome haver inconveniente alguno en concederle lo que pide, he nombrado por testigos de asistencia Dn. José Pomer y Juan Villard, de este vecindario.

Copia.

"SOR. GOVERNADOR GENERAL: El Baron de Bastrop, deseoso de promover la poblacion y agricultura del Ouachita, y próximo á pasar á los Estados Unidos de América, para concluir el plano de emigracion que tiene proyectado y regresar con su familia, hace presente á V. S. qué es absolutamente indispensable que por parte del govierno se destine un distrito como de unas doze leguas quadradas, en las que quede incluso el bayu Siar y sus cercanías, á fin de que, sin el menos obstáculo ni embarazo, puedan hirse colocando en ellas las familias que el suplicante vaya trayendo bajo la precisa condicion que concesiones de tierra han de ser gratis, y que por ningun título ni pretexto excedan la canti-

dad de quatro cientos arpanes quadrados á lo mas, con el objeto de impedir la introduccion de negros y fábricas de añil, que en aquel parage serian absolutamente contrarios y perjudiciales a la cultura del trigo y harian irremediablemente perder al suplicante los ganos de su establecimiento.

"Igualmente suplica á V. S. se sirva acordar la permission de exportar, para la Havana, las harinas que se fabricasen en los molinos del Ouachita, sin que le limite á venderlas precisamente en la Nueva Orleans y puestos de esta provincia, á menos que para la subsistencia de ella sean necesarias, pues en este caso deven siempre tener la preferencia.

"Se hace tambien indispensable que el govierno se encarguen de la conduccion y sustento de las familias que el suplicante introducese desde el puesto de Nuevo Madrid hasta el de Ouachita, en el que se les subministrarán algunos víveres para la subsistencia de los primeros meses, y facilitarles la primera siembra de los frutos necesarios, acordando á los avitantes no Cathólicos la libertad de conciencia de que gozan los de Bâton Rouge, Natchez y otros distritos de la provincia, y serviéndose el govierno finalmente fixar el número de familias que el suplicante deve introducir.

"El zelo por la prosperidad y fomento de la provincia, junto á los deseos de procurar la tranquilidad y quietud de aquel establecimiento, removiendo de una vez quantos obstáculos pudieren oponerse á estos interesantes objetos, me ponen en el caso de representar á V. S. lo que llevo expuesto, esperando que V. S. encontrará en estas disposiciones el mejor servicio del rey y adelantamiento de la provincia confiada á su mando.

"Nueva Orleans, 20 de Junio de 1796.

"DE BASTROP."

Decreto.

"NUEVA ORLEANS, 21 *de Junio de* 1796.

"Vistas las ventajas que deven resultar del establecimiento proyectado por el sor. Baron de Bastrop, el comandante del Ouachita, Dn. Juan Filhiol señalará doze leguas en quadro, mitad del lado del bayu de Siar, y mitad del lado de enfrente del Ouachita, para hir colocando en ellas las familias que el enunciado Baron fuere dirigiendo; bien entendido que á ninguna se ha de dar mayor concesion de tierra que la de quatrocientos arpanes quadrados á lo mas, grátis, y libre de todo derecho, respecto á que el objeto de este establecimiento ha de ser solo para la cultura del trigo.

"Siendo libre la extraccion de los productos de esta provincia, no deve dudar el suplicante el que le será permitido extraer la harina que fabrícase en los molinos del Ouachita para la Havana, y demas puertos permitidos al libre comercio de esta provincia.

"Se encargará el gobierno de la conduccion de las familias de Nuevo Madrid hasta el Ouachita, y se les darán los víveres que parezcan sufi-

cientes, para su manutencion durante seis meses, y para proporcionarles sus siembras.

"No serán molestados en materia de religion, y solo será públicamente permitido el culto Cathólico Apostólico Romano, y podrá el suplicante conducir hasta el número de quinientas familias.

"Siempre que pasados tres años no se hubiere verificado la mayor parte del establecimiento, se ocuparán por las primeras familias que se presenten las doze leguas en quadro, destinadas para las que enviará el sor. suplicante.

"EL BARON DE CARONDELET.

"ANDRES LOPEZ ARMESTO.

"Registrado. [L. S.]"

Oficio.

"Como por parte del sor. intendente, con motibo de la escasez de caudales, se ha solicitado la suspension de ulterior remesa de familias hasta la decision de S. M., no deve pararle á vmd. perjuicio el último parrafo de mi decreto que expresa: que, si á los tres años no se hallare verificada la mayor parte del establecimiento, se colocarán las familias que se fuesen presentando en las doze leguas destinadas para el establecimiento que vmd. ha comenzado; y solo tendrá efecto dos años despues que vuelva á quedar expedito el curso de la contrata, haviéndose hecho saver á vmd. la determinacion de S. M.

"Quede vmd. persuadido siempre que por mi parte observaré religiosamente los empeños que contrate, maxima que constantemente ha distinguido la nacion Española. Dios guarde à vmd. mus. añs.

"Nueva Orleans, 18 de Junio de 1797.

"EL BARON DE CARONDELET.

"SOR. BARON DE BASTROP."

Concesion.

"El Baron de Carondelet, caballero de la religion de San Juan, mariscal de campo de los reales exércitos, governador general, vice-patrono de las provincias de la Luisiana [y] Florida occidental, é inspector de sus tropas, &a.

"Por quanto el Baron de Bastrop, á consequencia de la solicitud que con fecha de 2o. de Junio del año próximo anterior, y decreto de 21 del mismo, ha dado principio al establecimiento del Ouachita, que por él estipuló con el govierno, para evitar todo obstáculo, dificultad y embarazo en lo *subresivo*, y que con toda facilidad pueden hirze colocando las familias, que hasta el número de quinientas debe sucesiva y proporcionalmente conducir ó hacer conducir dicha sor. baron, hemos venido en señalar las doze leguas destinadas para dho. establecimiento, en los términos, con los límites, mojones, y linderos, y en el parage que señala, fixa y demarca el plano figurativo y diligencia que van por caveza de este título, verificados por el agrimensor gral. Don Cárlos Laveau Trudeau, por havernos parecido ser así mas conveniente para evi-

tar toda contestacion y disputa, y aprobándolas como las aprobamos, usando de la facultad que el rey nos tiene concedida, destinamos y apropiamos, en su royal nombre, las mencionadas doze leguas, para que el dho. Baron de Bastrop las establezca en los términos y vajo las condiciones que se expresan en dha. solicitud y decreto. Damos el presente, firmado de nuestra mano, sellado con el sello de nuestras armas, y refrendado por infrascripto comisario honorario de guerra y secretario por S. M. de esta comandancia general, en la Nueva Orleans, á veinte de Junio de mil setecientos noventa y siete.

"EL BARON DE CARONDELET.

"ANDRES LOPEZ ARMESTO. [L. S.]"

Yo, el referido comandante, certifico que las antecedentes copias son en todo iguales á los originales que me presentó el sor. Baron de Bastrop, en presencia de los testigos arriva nombrados.

Ouachita, 18 de Enero de 1804.

VICTE. FERNZ. TEJEIRO.

JH. POMET,
JUAN VILLARD.

Yo, el Baron de Bastrop declaro haver recibido de Dn. Vicente Fernandez Tejeiro, comandante de este puesto, los originales de las iva, que le havia entregado; y, para que se sirva de descargo á dho. comandante, doy la presente en el puesto de Ouachita, á 18 de Enero de 1804.

BARON DE BASTROP.

JH. POMET,
JUAN VILLARD.

Translation from Spanish.

SENOR COMMANDANT: The Baron de Bastrop, a resident of this district, with due respect, appears before you and says, that it being absolutely necessary to him for a solicitation, which he thinks of making, to have a copy certified by you and two witnesses, of the petition which this petitioner made to the Señor Baron de Carondelet, governor general of these provinces at that period, the decree and an official letter of said Señor Governor, and concession which, in the name of his majesty, he made him of one hundred and forty-four plane leagues of land, the originals of which it duly accompanies, and these documents being of the greatest importance to him, he prays that you will be pleased to give him said copies, and to leave the same in the archives of this commandancy, in order that, at all times, it may with facility procure the copies it may need, and to restore him the originals that he may make of them such use as may suit him; a favor which he hopes to receive of you.

BARON DE BASTROP.

Ouachita, 18th January, 1814.

Don Vinzente Fernandez Tejeiro, lieutenant of the regiment of infantry of Louisiana, and commandant military and political of this post and its jurisdiction, considering the foregoing petition of Señor

Baron de Bastrop, a resident of this district, it not appearing to me that there is any difficulty in granting him what he asks, I have named as witnesses assisting, Don José Pomet and Juan Villard, of this neighborhood.

Copy.

SENOR GOVERNOR GENERAL: The Baron de Bastrop, desirous of promoting the population and agriculture of Ouachita, and being about to pass into the United States of America to conclude the plan of emigration which he has projected, and to return with his family, represents to your lordship that it is absolutely indispensable that, on the part of the government, there should be designated a district of about twelve leagues square, in which may remain included the bayou Siard and its vicinity, in order that, without the least obstacle or impediment, those families may proceed to settle upon them, which the petitioner is going to introduce under the express condition that concessions of land are to be gratis; and that under no title or pretext can they exceed the quantity of four hundred square arpents at most, with the object of preventing the introduction of negroes and manufactories of indigo, which, in that district, would be absolutely contrary and prejudicial to the culture of wheat, and would cause the petitioner to lose irremediably the profits of his establishment.

He also petitions your lordship to be pleased to grant him permission to export, for the Havana, the flour which may be manufactured in the mills of Ouachita, without restricting him to sell it absolutely in New Orleans and posts of this province, unless it should be necessary for its subsistence, as in that case it should always have the preference.

It becomes also indispensable that the government should charge itself with the conducting and support of the families which the petitioner shall have introduced from the post of New Madrid to that of Ouachita, by supplying them with some provisions for the subsistence of the first months, and facilitating to them the first sowing of the necessary seed; granting to the inhabitants who are not Catholics the liberty of conscience enjoyed by those of Baton Rouge, Natchez, and other districts of the province, and the government being pleased finally to fix the number of families which the petitioner is to introduce.

Zeal for the prosperity and encouragement of the province, united to the desire of procuring the tranquility and quiet of this establishment, by removing at once whatever obstacles might be opposed to these interesting objects, induce me to represent to your lordship what I have set forth, hoping that your lordship will recognise in these dispositions the better service of the King, and advancement of the province confided to your authority.

DE BASTROP.

New Orleans, 20th of June, 1796.

Decree.

NEW ORLEANS, 21*st June*, 1796.

Considering the advantages which must result from the establishment projected by the Señor Baron de Bastrop, the commandant of Ouachita, Don Juan Filhiol, will designate twelve leagues square, half on the

side of the bayou de Siar, and half on the side opposite the Ouachita, for the purpose of proceeding to locate upon them the families which the aforesaid Baron may direct; it being well understood that to none shall there given a greater concession of land than that of four hundred square arpents at most, gratis and free from all dues, inasmuch as the object of this establishment is to be only for the cultivation of wheat.

The exportation of the products of this province being free, the petitioner need not doubt that it will be permitted to him to export the flour, which he may manufacture in the mills of Ouachita, to the Havana, and other places permitted to the free commerce of this province.

The government will charge itself with the conducting of the families from New Madrid to Ouachita, and will give them the provisions that may appear sufficient for their maintenance during six months, and for proportioning out to them their seeds for sowing.

They shall not be molested in the matter of religion, and the Catholic Apostolic and Roman worship shall alone be publicly permitted; and the petitioner may introduce to the number of five hundred families.

Provided that if, after the lapse of three years, the greater part of the establishment shall not have been made good, the twelve leagues square, destined for the families which the señor petitioner will send, shall be occupied by the first families that may present themselves.

EL BARON DE CARONDELET.

ANDRES LOPEZ DE ARMESTO.

[L. S.] Registered.

Official.

Whereas, on the part of the Señor Intendente, by reason of the scarcity of funds, the suspension of farther remittance of families has been solicited until the decision of his majesty, there should be no prejudice occasioned to you by the last paragraph of my decree, which expresses that if, at the end of three years, the greater part of the establishment shall not have been found made good, the families which may present themselves shall be located within the twelve leagues destined for the establishment which you have commenced, and it shall only take effect two years after the course of the contract shall have again commenced, and the determination of his majesty shall have been made known to you.

You will always remain persuaded that, on my part, I will religiously observe the engagements which I shall have contracted, a maxim which has constantly distinguished the Spanish nation. God preserve you many years. New Orleans, 18th of June, 1797.

BARON DE CARONDELET.

The Señor BARON DE BASTROP.

Concession.

The Baron de Carondelet, knight of the religion of St. John, field marshal of the royal armies, governor general, vice patron of the provinces of Louisiana, West Florida, inspector of their troops, &c.

Whereas the Baron de Bastrop, in consequence of the petition, which under date of the 20th of June of the year last past, and decree of the 21st of the same, has commenced the establishment of Ouachita, which thereby he stipulated with the government, in order to avoid all obstacle, difficulty, and embarrassment hereafter, and that with all facility the families may [be] located, which, to the number of five hundred, the said Baron is successively and proportionally to introduce, or cause to be introduced; we have determined to designate the twelve leagues destined for said establishment in the terms, with limits, land marks, and boundaries, and in the place which is designated, fixed, and marked out by the figurative plan and description, which go as a caption of this title, which are made out by the surveyor general, Don Carlos Trudeau, it having appeared to us to be thus most expedient to avoid all contestation and dispute, and approving them, as we do approve them, exercising the authority which the King has granted us, we destine and appropriate, in his royal name, the aforesaid twelve leagues, in order that the said Baron de Bastrop may establish them in the terms, and under the conditions, which are expressed in the said petition and decree. We give the present, sign[ed] with our hand, sealed with the seal of our arms, and countersigned by the undersigned, honorary commissary of war, and secretary for his majesty of this commandancy general of New Orleans, on the 20th of June, 1797.

The BARON DE CARONDELET. [L. S.]

ANDRES LOPEZ DE ARMESTO.

I, the commandant referred to, certify, that the foregoing copies are in all respects similar to the originals, presented to me by the Señor Baron de Bastrop in presence of the witnesses above named.

Ouachita, 18th of January, 1844.

VIC'TE FERN. TEJEIRO.

JUAN VILLARD,
JH. POMET.,

I, the Baron de Bastrop, declare to have received of Don Vicente Fernandez Tejeiro, commandant of this post, the originals of the above copies, which I had delivered to him; and that it may serve as a receipt to said commandant, I give the present in the post of Ouachita, on the 18th of January, 1804. BARON DE BASTROP.

JH. POMET,
JUAN VILLARD.

And afterwards, to wit, on the 7th of December, 1847, the following entry was made of record:

MAYOR, Aldermen, [&c.,] of Philadelphia and New Orleans,
vs.
THE UNITED STATES.

The trial of this cause was to-day resumed. The plaintiffs here closed their evidence. Testimony was submitted on behalf of defen-

dants. The evidence being closed, the cause was continued until to-morrow morning, at 10 o'clock, A. M., for the argument of counsel.

And further, on the same day, the following documents were offered by the plaintiffs, to wit:

Nineteenth. The plaintiffs offered in evidence the returns to a commission, issued 10th July, 1847, addressed to P. McEnery, justice of the peace of the parish of Ouachita, and depositions and documents annexed thereto, viz:

The deposition of David Stewart, a settler.

The deposition of Grammont Filhiol.

Three tax receipts for direct taxes paid the United States, and referred to in Judge Bry's deposition, both annexed to said commission.

Tax receipt of taxes paid the State, also referred to in Judge Bry's deposition, and annexed to said commission.

J. McLaughlin, copy of his field notes of survey of part of Bastrop grant.

Deposition of J. Morrison, a settler, annexed to commission aforesaid; this deposition being objected to by the district attorney, on the ground of the deponent being interested in the grant, the point was submitted by counsel, and the deposition was rejected by the court.

Commission.

Court of the United States for the district of Louisiana.

To any judge, justice of the peace, or magistrate, in the parish of Washita, State of Louisiana.

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you all witnesses produced on behalf of petitioners, and them duly examine on oath, touching and concerning certain matters and things in a cause now depending in the said court, wherein the Mayor, Aldermen, &c., of Philadelphia, and the Mayor, Aldermen, &c., of New Orleans are petitioners, and the United States is defendant; and the same examinations, so taken and reduced to writing, you certify under your hand and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable T. H. McCaleb, judge of said court, at the city of New Orleans, this 10th day of July, anno domini [SEAL.] 1846, and the 71st year of the independence of the United States of America. N. R. JENNINGS, *Clerk*,

By L. E. SIMONDS, *D'y clerk*.

Interrogatories annexed to the aforesaid commission.

Interrogatories to be proposed to Henry Bry, Grammont Filhiol, and others, witnesses produced on the part of the plaintiffs in a certain cause pending in the district court of the United States for the district of Louisiana, wherein the Mayor, Aldermen, and Citizens of the cities of

Philadelphia and of New Orleans are plaintiffs, and the United States of America are defendants, viz:

First. State your name, age, place of birth, residence, and profession or occupation.

Second. Do you know any thing of the grant (known as the "Bastrop grant") of a tract of land in the district of Ouachita, in Louisiana, on the bayou Siard and Ouachita river, said to have been granted to the Baron de Bastrop by the Spanish government, in or about the year 1796? If yea, set forth your knowledge, and state when and how you became acquainted with it. Do you know whether or not the plaintiffs are in possession of lands claimed or held under title derived from said Bastrop, and situated within the alleged limits of said grant? If yea, how long have they, and those from whom they hold, been in possession thereof? What extent have they possessed? Has their possession been public and notorious? By what acts has it been manifested, and what is the oldest date of possession under said title by any person or persons claiming under said Baron de Bastrop, or by said Bastrop in person?

Third. Have you or have you not ever seen any original grant of said tract of land to the Baron de Bastrop; if yea, when and where have you seen it, and how often, and in whose possession; do you know where or in whose possession it now is, or what has become of it?

Fourth. Have you ever seen any other of the original papers connected with said Bastrop grant, especially any emanating from the Spanish government; if yea, state fully and particularly what such documents were; when, where, and in whose possession you saw them, and what has become of them, and in whose possession they are now; if any such documents are within your control, be pleased to annex them to your answer, and state whether the signatures thereto affixed are true and genuine signatures of the persons purporting to sign the same, and who and what those persons were.

Fifth. Have you in like manner, at any time, seen any authentic or office copies of such original documents; if yea, state when, where, and in whose possession you saw them; if any such be within your control, annex them to your answer, and state whether you know the signatures of the persons purporting to sign the same; whether the signatures of such persons thereto affixed are their true and genuine signatures respectively; state whether or not you knew said persons; when and how long you knew them; who and what they were; whether they held or exercised any public office, post, or situation, and what it was; state, also, what has become of said persons; whether they are now present in or absent from Louisiana; whether they are dead or alive; and, if living, what are their respective ages; or what their ages would be, supposing them now alive?

Sixth. Do you know whether any persons were by said Baron de Bastrop, or by those claiming title under him to said lands, introduced into Louisiana and settled on lands with[in] the limits of said Bastrop grant; if yea, state at what time or times this took place, and what was the number of persons so introduced; state, also, whether settlers have

been since induced or permitted by the plaintiffs, or by those from whom they claim title under said Bastrop, to establish themselves within the limits of said grant; if yea, what is their number?

Seventh. Do you know any other circumstances or facts in relation to said "Bastrop grant," the grantor or grantee; or any other matter or thing whatsoever which may be of advantage to the plaintiffs, who claim a large portion of said lands from the defendant by title derived through said Bastrop from the Spanish government; if yea, state the same fully, minutely, and precisely, as if you were specially interrogated thereupon.

H. H. STRAWBRIDGE,
Of counsel for the city of Philadelphia and New Orleans.

Cross interrogatories to be propounded to Henry Bry, Grammont Filhiol, and others.

1. Have you any interest in the event of this suit?
2. Do you hold, by purchase or otherwise, any of the land comprehended in what is generally called the Bastrop claim?
3. Are you related to any one who does hold any of these lands by purchase or otherwise, or who is in any manner interested in the event of this suit?
4. Are you on terms of intimacy or friendship with any one who holds any of this land by purchase or otherwise, or who is in any manner interested in the event of this suit?
5. Do you live in the neighborhood of this land?
6. (If the fifth be answered affirmatively,) how long have you resided in the neighborhood?
7. Did you reside in the neighborhood of these lands before the year 1796, and from that time until 1803?
8. How many families were settled on this tract, (known as the Bastrop grant,) before the year 1803?
9. Of what nation or country were those families?
10. Was any part of this tract cultivated before the year 1803?
11. How soon after 1796 was it cultivated?
12. How many acres were in cultivation?
13. What was produced on the portion of the land cultivated?
14. Were any flouring mills ever erected on this land?
15. (If the 14th be answered yes.) When were these flouring mills erected?
16. How many of them were there?
17. If in answer to the third interrogatory in chief you say yes, then what do you understand by one original grant?
18. Was what you saw and call an original grant signed by the King of Spain; or by whom was it signed; did it purport on its face to be an original document; was it written on paper or on parchment; was it sealed with wax or otherwise?
19. Who showed you this original grant of which you speak?
20. Did the Baron de Bastrop show it to you; and, if yea, why did he show it to you?

21. Was the original grant which you say you saw signed by the Baron de Carondelet, was it signed by him alone, or was there any other signature to it; if you say there was another signature to it, whose signature was it?

22. Was the grant you say you saw signed by Gilbert Leonard or Manuel Armirez?

23. What is the precise date, as near as you can possibly recollect, of the time at which you first saw the original grant of which you speak?

24. Did you know Don John Filhiol, former commandant of Washita, under the Spanish Government?

25. Is the said Don John Filhiol still alive; if not, when did he die; and what was his age at the time of his death?

26. Were you at the Spanish fort or post of Washita in 1796?

27. Was there any authorized surveyor of the Spanish government there at that time; if yea, what was his name; what was his age at that time; is he now alive; or, if dead, when and where did his death take place?

28. If in answer to the beginning of the fourth interrogatory in chief you say that you have seen "any other of the original papers connected with the said Bastrop grant," state how you know them to have been originals; did they on their face purport to be originals; on what were they written; were they sealed or not?

29. If in answer to the remainder of the fourth and to the fifth interrogatory you annex any paper or document, state how you know the signatures to be genuine and true; were you personally acquainted with the persons whose names are signed to the papers or documents annexed; how often have you seen the said persons, that is, each of them, write his name?

30. Did you ever see any contract or copy thereof between the intendant of Louisiana and the Baron de Bastrop for the settlement of lands on the Washita?

31. Do you know, from personal observation at the time, that an actual survey was made in 1795 or 1796 of what is generally called the Bastrop grant?

32. (If you answer the last yes,) who was it made the survey; what was his name, age, and place of residence; where does he live now?

33. (If you name any one,) do you know, of your own personal knowledge, that he was in the employ of the Spanish government, and how do you know it?

THOMAS J. DURANT,
Attorney of the United States
for the district of Louisiana.

Deposition of David Stewart, annexed to the foregoing commission.

THE MAYOR, ALDERMEN, &c., of Philadelphia,
and the Mayor, Aldermen, &c., of New Orleans,
vs.
THE UNITED STATES.

Court of the United States for the district of Louisiana.

STATE OF LOUISIANA, *parish of Ouachita.*

By virtue of a commission directed to any judge, justice of the peace, or magistrate in the parish of Ouachita, State of Louisiana, from the honorable the court of the United States for the district of Louisiana, dated at New Orleans, the 10th day of July, A. D. 1846, I, Paul McEnery, a justice of the peace in and for the parish of Ouachita, and State aforesaid, this 28th day of October, took the deposition of David Stewart, a witness produced on the part of petitioners; which depositions are to be read in evidence on the trial of this cause, as follows:

To interrogatory 1st the witness, David Stewart, answers: My name is David Stewart; my age about 58; I was born in the State of Kentucky; my occupation a planter.

To interrogatory 2d witness answers: I came to the parish of Ouachita in company with the Baron de Bastrop, with my father and family, under the contract of Baron de Bastrop with the Spanish government in April 1797. I know that Stephen Girard purchased large tracts of land within the limits of the grant known as the "Bastrop grant" from the heirs of Morehouse, who held said tracts of land under the Bastrop's title. The oldest date of possession under the Baron de Bastrop's title was derived by my father and the other settlers that came to the country with the Baron.

To interrogatory 3d witness answers: I have not seen any.

To interrogatory 4th witness answers: No.

To interrogatory 5th witness answers: I now see before me an authentic copy in the Spanish language of the original contract between the Spanish government and the Baron de Bastrop, from the Baron de Carondelet to the Baron de Bastrop. The signature to which I am unable to prove, not knowing how to read or write. I remember this, that the Baron de Bastrop was stopped by the Spanish government from bringing more families into the country, in order to comply with his contract with the government. And this was done because the government had not the means to supply more families with provisions. It was the intention of the Baron de Bastrop to go next fall and bring the balance of the families he was to introduce into the country, but was prevented so doing by the cause above mentioned.

To interrogatory 6th witness answers: I know that my father and family, and many other families, were introduced into this country by the Baron de Bastrop, and settled upon lands within the limits of the Bastrop grant, the names of some of which families I recollect, as follows: Samuel Creswell and family, John Debart and family, Charles Gin and family, Samuel Brown and family, James McCallister

and family, John Carter and family, Henry Carter and family, Joseph Segger and family, James McMahon and family, John Kugel and family, William Bucney, senior, and family, William Bucney, junior, and family, Patrick Poor and family, Christopher Owen and family, Charles Fitzpatrick, Jeremiah Kieth and family, Mathew Dougherty, Patrick Finn, William O'Connor, Andrew White, Sylvanus Boscam, George Chambers.

To interrogatory 7th witness answers: I have given all I know or recollect about the "Bastrop grant" and settlers thereon in the above manner.

his
DAVID ⋈ STEWART.
mark.

Sworn to and subscribed before me, this 28th day of October, 1846.

PAUL McENERY,
Justice of the Peace.

David Stewart made his mark in the presence of the following witnesses:

J. B. FILHIOL,
H. LINDEMAN.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Paul McEnery, a justice of the peace in and for the parish of Ouachita, and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing two pages contain the depositions of David Stewart, a witness produced on the part of the petitioners, which depositions were taken by me on this 28th day of October, A. D. 1846, by virtue of a commission from the honorable court of the United States for the district of Louisiana; that the answers of said witness were written out by me and in my handwriting. That the answers of said witness were read over by me to said witness, and were sworn to and signed by said witness by making his mark, not knowing how to write, in my presence and in the presence of J. B. Filhiol and H. Lindeman, witnesses thereto, after having been reduced to writing by me as aforesaid, and said witness stated that his answers had been correctly written out before he signed them as aforesaid.

In witness whereof I have hereunto subscribed my name at my office in the town of Monroe, in the parish of Washita, this 28th day of October, A. D. 1846.

PAUL McENERY,
Justice of the Peace.

THE MAYOR, ALDERMEN, &c., of Philadelphia, and the Mayor, Aldermen, &c., of New Orleans,
vs.
THE UNITED STATES.

Court of the United States for the district of Louisiana.

STATE OF LOUISIANA, *parish of Ouachita.*

By virtue of a commission directed to any judge, justice of the peace, or magistrate in the parish of Ouachita, State of Louisiana, from the

honorable the court of the United States for the district of Louisiana, dated at the city of New Orleans, the tenth day of July, A. D. 1846, I, Paul McEnery, a justice of the peace in and for the parish of Ouachita and State aforesaid, this 28th day of October, 1846, took the depositions of David Stewart, a witness produced on the part of the petitioners; which depositions are to be read in evidence on the trial of said cause, as follows:

To cross interrogatory 1st the witness, David Stewart, answers: No.

To cross interrogatory 3d witness answers: My brother holds land within the limits of the Bastrop grant, but I am not interested in the event of this suit.

To cross interrogatory 4th witness answers: I am acquainted and friendly with many persons who hold land within the limits of the grant.

To cross interrogatory 5th witness answers: I lived once within the limits of the grant, and am now living with my family within 16 miles of the grant.

To cross interrogatory 6th witness answers: Since my arrival in the country, in 1797, I have lived within and in the neighborhood of the Bastrop grant.

To cross interrogatory 7th witness answers: I was not in this country in 1796.

To cross interrogatory 8th witness answers: I refer to my answer to interrogatory 6th, in chief, for my answer to this.

To cross interrogatory 9th witness answers: That some were Americans, some Irish, some Germans.

To cross interrogatory 10th witness answers: That many tracts of land within the limits of the "Bastrop grant" were cultivated before the year 1803.

To cross interrogatory 11th witness answers: It was in 1797 the settlers under the Baron the Bastrop commenced their improvements of their respective tracts of land.

To cross interrogatory 12th witness answers: I do not know.

To cross interrogatory 13th witness answers: Corn, potatoes, and wheat.

To cross interrogatory 14th witness answers: There was one at the mouth of the bayou de Seard, which was erected by the Baron de Bastrop; my father used to carry his corn and wheat to be ground at the said mill.

To cross interrogatory 15th witness answers: I believe it was erected some two or three years after the Baron and settlers arrived in the country.

To cross interrogatory 16th witness answers: This is answered by the answer to interrogatory the 14th.

To cross interrogatory 17th to 23d witness answers: These are answered by the answer to interrogatory 3d, in chief.

To cross interrogatory 24th witness answers: Yes.

To cross interrogatory 25th witness answers: No. I do not recollect when he died, or what was his age when he died.

To cross interrogatory 26th witness answers: No.

To cross interrogatory 27th witness answers: James McLaughlin was the first surveyor under the Spanish government. Thinks his age was about 35. He is dead; he died on bayou Bartholemew. Does not recollect precisely, but thinks he died about the year 1823.

To cross interrogatory 28th and 29th witness answers: These are answered by the answers to interrogatories in chief No. 4 and 5; as well as interrogatory the 30th is also answered by the same No. 4 and 5, in chief. Although I cannot prove the signatures to the authentic copy of the original contract, as I cannot read or write, I was, however, well acquainted personally with the signers, viz., the Baron de Bastrop, Victe. Fernz. Tejeiro, Jh. Pomet, Juan Villard.

To cross interrogatory 31st witness answers: I was not here.

To cross interrogatory 32d witness answers: I do not know.

To cross interrogatory 33d witness answers as above.

his
DAVID ⋈ STEWART.
mark.

Sworn to and subscribed before me, and in the presence of J. B. Filhiol and Henry Bry, witnesses, this 28th day of October, 1846.

PAUL McENERY,
Justice of the Peace.

Witnesses:
H. BRY,
J. B. FILHIOL.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Paul McEnery, a justice of the peace in and for the parish of Ouachita and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing two and half pages contain the depositions of David Stewart, a witness produced on the part of the petitioners, which depositions were taken by me on this 28th day of October, A. D. 1846, by virtue of a commission from the honorable the court of the United States for the district of Louisiana; that the answers of said witness were written out by me, and in my handwriting. That the answers of said witness were read over by me to said witness, and were sworn to and signed by said witness by making his mark, not knowing how to write, in my presence, and in the presence of H. Bry and J. B. Filhiol, witnesses thereto, after having been reduced to writing by me as aforesaid, and said witness stated that his answers had been correctly written out before he signed them as aforesaid.

In witness whereof I have hereunto subscribed my name, at my office in the town of Monroe, in the parish of Ouachita, this 28th day of October, A. D. 1846.

PAUL McENERY,
Justice of the Peace.

Testimony of Grammont Filhiol, annexed to the foregoing commission.

THE MAYOR, Aldermen, &c., of Philadelphia, and the Mayor, Aldermen, &c., of New Orleans,
vs.
THE UNITED STATES.

Court of the United States for the district of Louisiana.

STATE OF LOUISIANA, *parish of Ouachita.*

By virtue of a commission directed to any justice of the peace, or magistrate, in the parish of Ouachita, State of Louisiana, from the honorable the court [of] the United States for the district of Louisiana, dated at New Orleans, the 10th day of July, 1846, I, Paul McEnery, justice of the peace in and for the parish of Ouachita, and State aforesaid, this 26th day of February, 1847, took the deposition of Grammont Filhiol, a witness produced on part of plaintiffs, which depositions are to be read in evidence on the trial of this cause, viz:

To interrogatory 1st witness answers: My name is Grammont Filhiol; my age 57. I was born in the parish of Ouachita; my residence is in the same parish, and my occupation a planter.

To 2d interrogatory witness answers: About the time mentioned, say 1796. I have heard of a contract entered into between the Baron de Bastrop and the Spanish government. I know that Stephen Girard purchased large tracts of land situate within the limits of what is called the Bastrop grant, which tracts of land, by the reading of Stephen Girard's will, were bequeathed by him to the plaintiffs. I am not acquainted with the particulars of the possession of the plaintiffs to those tracts of land, or what extent of lands they possess, no farther than the records of this parish, where the titles to those said tracts of land are recorded. The Baron de Bastrop was the oldest in possession.

To 3d interrogatory witness answers: I have not seen any original grant of said tract of land to the Baron de Bastrop.

To 4th interrogatory witness answers: I have not seen any other of the original papers connected with said Bastrop grant.

To 5th interrogatory witness answers: I see now before me an authentic copy of a grant of land from Baron de Carondelet, the Governor of the province of Louisiana, to the Baron de Bastrop, which is the same that has been exhibited to the witnesses who have spoken of it, and is hereto annexed, No. 1. I know the signatures of all the signers to the said authentic copy, viz., Vict. Fern'z Tejeiro, Jh. Pomet, Juan Villard, Baron de Bastrop. I believe these signatures to be genuine respectively. I was well acquainted with all the signers. I knew the Baron de Bastrop during his residence in this parish, and Victor Fern'z Tejeiro, Jh. Pomet, and Juan Villard, during their residence respectively, and Juan Villard to the time of his death. Victor Fern'z Tejeiro was commandant of the post of Ouachita. Jh. Pomet was clerk in a mercantile house. Juan Villard was a farmer, and the Baron de Bas-

trop was a Baron. Victe. Fern'z Tejeiro left the parish of Ouachita in the year 1804, and nothing has been heard of him since then. Jh. Pomet left this country about the year 1810, and died at Natchez some years ago. The Baron de Bastrop died in Texas many years ago. Juan Villard died about the same time the Baron de Bastrop died. If alive, the Baron De Bastrop would be about 90 years old. Villard and Pomet about the same age, and also Tejeiro.

To the 6th interrogatory witness answers: I do; many families arrived here under the contract of the Baron the Bastrop with the Spanish government. I saw them receive rations by order of the Baron, and many families settled within the limits of the grant, whose names I still recollect, viz., John Debart and family, Charles Ginn and family, James McCallister and family, John Curters and family, Joseph Seggar and family, James McMahon and family, John Kugal and family, William Stewart and family, William Burney, sen'r, and family, William Burney, jr., and family, Patrick Poor and family, Henry Curters and family, Christopher Owen and family. All these families here enumerated, and also Alexander Breard, were introduced into this country in the year 1797, under the contract of the Baron de Bastrop with the Spanish government.

To 7th interrogatory witness answers: I do not, except that I understood, by general report, that 400 arpents of land was allotted to each head of the said families introduced by the Baron de Bastrop.

Answers of witness to cross interrogatories, viz:

To 1st cross interrogatory witness answers: No.

To 2d cross interrogatory witness answers: No.

To 3d cross interrogatory witness answers: I am not.

To 4th cross interrogatory witness answers: I have no particular intimacy or friendship with any.

To 5th witness answers: I live within 20 miles of the southwest corner of the grant.

To 6th witness answers: I have lived 57 years in the parish of Ouachita.

To 7th: This is answered by the above.

To 8th: I do not know.

To 9th witness answers: Americans, Irish, and Germans.

To 10th, 11th, 12th, and 13th, witness answers: I do not recollect.

To 14th witness answers: There was one erected at the mouth of bayou de Siard, by the Baron de Bastrop.

To 15th and 16th: These are answered by answer to interrogatory the 14th.

To 17th: The 3d interrogatory in chief was answered in the negative.

To 18, 19, 20, 21, 22, and 23d: They are answered in the above.

To 24th witness answers: He was my father.

To 25th witness answers: He is dead, he died in the year 1821; he was about 81 or 82 years old when he died.

To 26th witness answers: Yes.

To 27th interrogatory witness answers: I believe that James McLaughlin was an authorized surveyor of the Spanish government, residing at the post of Ouachita; at that time he was about 25 or 30 years of age; he is dead; he died in the parish of Ouachita.

To 28th witness answers. This is answered by answer to interrogatory 4th in chief.

To 29th witness answers: I have seen all the signers to the authentic copy, mentioned in the interrogatory the 5th, in chief, sign their names.

To 30th witness answers: I never saw any other copy than the authentic one, mentioned above.

To 31st witness answers: I do not; I only know that the Baron de Bastrop, Vict. Fern'z Tejeiro, James Larch, my brother John J. Filhiol, and some other persons, all since dead, went on an excursion to examine the country, particularly the Mer rouge.

To 32d and 33d witness answers as above.

G. FILHIOL.

Sworn to and subscribed before me, this 26th day of February, 1847.

PAUL McENERY,
Justice of the peace.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Paul McEnery, a justice of the peace, in and for the parish of Ouachita, and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing three and a half pages contain the depositions of Grammont Filhiol, a witness produced on part of plaintiffs, which depositions were taken by me on this 26th day of February, 1847, by virtue of a commission, and interrogatories hereto annexed, from the hon. the court of the United States for the district of Louisiana; that the answers of said witness were written out by me, and in my handwriting; that the answers of said witness were read over by him, and were sworn to and signed in my presence by said witness, as attested by me, after having been reduced to writing by me as aforesaid; and said witness stated that his answers had been correctly written out before he signed them as aforesaid.

In testimony whereof I have hereunto subscribed my name, on this 26th day of February, 1847.

PAUL McENERY,
Justice of the Peace.

Deposition of H. Bry, annexed to the foregoing commission.

Court of the United States for the district of Louisiana.

The MAYOR, ALDERMEN, &c., of Philadelphia, and the Mayor, Aldermen, &c., of New Orleans,
vs.
The UNITED STATES.

STATE OF LOUISIANA, *parish of Ouachita.*

By virtue of a commission directed to any judge, justice of the peace, or magistrate in the parish of Ouachita, State of Louisiana, from the

hon. the court of the United States for the district of Louisiana, dated at New Orleans, the 10th day of July, A. D. 1846, I, Paul McEnery, a justice of the peace in and for the parish of Ouachita, and State aforesaid, this 22d day of February, 1847, took the depositions or answers of Henry Bry, a witness produced on the part of petitioners, which depositions are to be read in evidence on the trial of this cause, as follows:

Answer of witness to interrogatory the 1st. My name is Henry Bry; near 66 years old; born in Geneva, in Switzerland; my residence, near Monroe, parish of Ouachita; my occupation, farming.

Answer to interrogatory 2d. I became acquainted with Bastrop's grant when I first came here, in August 1803; and became acquainted with Bastrop, who often spoke to me about his grant. The plaintiffs are in possession of lands claimed under the Bastrop's title, and situated within the limits of the survey of the grant. They have been in possession since the death of Stephen Girard, who willed it to them in the year 1831. Stephen Girard had been in possession at different succeeding times. His first purchase in his own name was made at auction in Philadelphia, on the 29th January, 1822; when and where the remaining part of Abraham Morehouse's share of the grant was offered by the trustee of the heirs of Morehouse, and was purchased by Stephen Girard, James Lyle, and Robt. E. Griffith, in different proportions. The share of James Lyle was computed to be 62,281 arpents, and Robt. E. Griffith 25,785 arpents. Their representatives are also claimants in that grant under precisely the same title as the plaintiffs above named; the balance of the lands, belonging to and claimed by plaintiffs, was purchased by Stephen Girard from several owners at different times, whose titles were derived from Bastrop through Morehouse and others. The whole amount claimed by plaintiffs is computed at upwards of 212,000 arpents. Their possession has been public and notorious, all the deeds relative thereto being recorded here. They have punctually paid all taxes to a large amount, and several persons have taken leases for small tracts from their agent. The oldest title under Bastrop, or by Bastrop in person, is the one of Bastrop himself. In June, 1795, when Governor Carondelet ordered J. Filhiol, then commandant here, to designate 12 square leagues of land for the grant to Bastrop, the following year, same month, Carondelet approved the plan or plat made by Laveau Trudeau of the 12 square leagues, granting the same to Bastrop. I knew this from having seen copies of the original title-papers of the grant.

Answer to interrogatory the 3d. I never saw the original grant, nor do I know where it is, or what has become of it. I am, however, persuaded that Bastrop took it from the archives of this parish when Vicente Fz. Texeiro was commandant.

Answer to interrogatory the 4th. I never saw any original document of Bastrop's grant.

Answer to interrogatory the 5th. I saw an authentic copy of the Bastrop grant in the hands of John Nancarrow, who was an agent of Bastrop. I do not know precisely what year; probably in 1810 or 1811.

He left it with me when he last was here, about 16 or 18 years ago, asking of me to translate it for him. I never saw him since. He died in Natchitoches. I kept that copy, and it is hereto annexed, No. 1, and is the same which has been exhibited to the witnesses who have spoken of it. I am well acquainted with the signatures to that document. I have often seen Bastrop, Pomet, and Villard write. I never saw Texeiro write; but, by comparing it with other [signatures] of *him*, I am sure that he signed this. Bastrop was a Hollander. I knew him since 1803. He died at St. Antonio de Bexar, as I was informed. I knew Villard at the same time. Pomet some time afterwards. Villard was a farmer. He died here about twenty years ago. Pomet was a clerk in a commercial house at the then post of Ouachita. He died, I believe, in Natchez some years ago. None of these three persons held any public office or situation. If alive, Bastrop would, I think, be about 90 years old; Villard and Pomet nearly the same.

Answer to interrogatory the 6th. I was not here before 1803, when the persons who came under Bastrop's contract settled within the limits of the grant. I have seen a list of them amounting to one hundred and eleven. I have known many of the heads of families therein named, to each of whom, I was informed by general report, 400 arpents had been allotted in the grant. I have had also a statement from J. McLaughlin, annexed to same *to same* field notes of the survey of the grant, specifying the same number of persons as settled under Bastrop's contract; (he was a deputy surveyor under Laveau Trudeau.) I am well acquainted with McLaughlin's handwriting; and his statement hereto annexed, No. 2, was certainly written by him. A great number of families have since got possession of, and settled on, tracts of land in that grant by purchase or otherwise from its owners. The whole parish of Morehouse is included in it. Its population cannot be less than 400 *a* 500 souls. The plaintiffs never sold any of their lands there.

Answer to interrogatory the 7th. I do not know of any other fact or circumstance which could be of advantage to the plaintiffs, except the unanimous opinion of all the inhabitants, that it is a good bona fide grant, for the obtaining or keeping possession of which not the least appearance of fraud was ever resorted to. I can further state, what would have been better placed in answer to 2d interrogatory, to wit, the amount of State and parish taxes paid by the plaintiffs and others on the Bastrop grant, as follows:

By S. Girard, from whom plaintiffs hold - -	$2,372 00
By the plaintiffs - - - - -	6,044 00
By the representatives of James Lyle - -	2,145 00
By the representatives of Robt. E. Griffith - -	1,435 77
By preceding owners of the above - - -	9,000 00

Of this last item I have not sufficient data to be precise. Other owners in the balance of the grant, about ¼, have been taxed in the same proportion. Direct taxes were also paid to the United States, for 1816, on that grant. I have two receipts, which I annex hereto, No. 4 and 5,

signed by Jonathan Morgan, employed by T. A. Blanc, collector; to his signature I testify, having seen him write very often. Another receipt from Felix Arnaud, then State treasurer, for State taxes for 1821, to Edd. George, who was sent here by S. Girard as his agent, is also attached hereto, No. 3. I knew personally Ed. George, and saw him write often; he certainly signed the deposition accompanying that receipt.

Answers of witness to cross interrogatory, viz:

Answer to 1st interrogatory. I have no interest in the event of this suit.

Answer to 2d interrogatory. No.

Answer to 3d interrogatory. I am not related to any one holding any of these lands in any way, or interested in this suit.

Answer to 4th interrogatory. I am on terms of friendship with many owners in that grant.

Answer to interrogatory the 5th. I live within a few miles from the southwest corner of the grant.

Answer to 6th interrogatory. I have resided since 1804 in the neigborhood.

7th interrogatory answered in the above.

In answer to interrogatories 8th, 9th, 10th, 11th, 12th, and 13th, I can only say that, having been first here in August, 1803, it was but by general reports I was informed of what happened before in relation to the grant; when I arrived there were many families settled thereon.

Answer to interrogatory the 14th. There was at my arrival here but one grist mill, which had been erected by Bastrop at the mouth of bayou Sieard.

Interrogatories 15th and 16th answered by the above.

Answer to 17th interrogatory. Third interrogatory in chief is answered negatively.

Interrogatories 18th, 19th, 20th, 21st, 22d, and 23d, are answered by the above.

Answer to interrogatory the 24th. I was well acquainted with John Filhiol, former commandant of the post of Ouachita, under the Spanish government.

Answer to interrogatory the 25th. John Filhiol died about 24 years ago, and was then 82 or 83 years of age.

Answer to interrogatory the 26th. No.

Answer to interrogatory the 27th. I was at my arrival in 1803 informed that there was an authorized deputy surveyor of the Spanish government; his name was J. McLauchlin; I became acquainted with him; he died several years ago; in 1803 he appeared to be about 38 or 40 years old.

My answer to 4th interrogatory in chief is in the negative, and serves as an answer to interrogatory 28th.

My answer to interrogatory the 5th, in chief, will equally answer interrogatory the 29th, with the addition I cannot tell how often I have

seen Bastrop, Pomet, and Villard sign their names; Pomet very often, Villard less, and Bastrop not over 4 or 5 times.

Answer to interrogatory 30th. I never saw any other copy (authentic) of the grant, than the one alluded to above and annexed hereto, No. 1.

Answer to interrogatory 31st. No. I was not here in 1795 or 1796.

Interrogatory 32d answered by the above, as well the 33d.

H. BRY.

Sworn to and subscribed before me, on this 22d day of February, A. D. 1847.

PAUL McENERY,
Justice of the peace.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Paul McEnery, a justice of the peace in and for the parish of Ouachita, and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing five pages contain the depositions or answers of Henry Bry, a witness produced on part of plaintiffs, which depositions or answers were taken by me, on this 22d day of February, 1847, by virtue of a commission and interrogatories hereto annexed from the honorable the court of the United States for the district of Louisiana; that the answers of said witness were written out by me and in my handwriting; that the answers of said witness were read over by him and were sworn to and signed in my presence by said witness, as attested by me, after having been reduced to writing by me as aforesaid, and said witness stated that his answers had been correctly written out before he signed them as aforesaid.

In witness whereof I have hereunto subscribed my name, this 22d day of February, A. D. 1847.

PAUL McENERY,
Justice of the peace.

Receipt of F. Arnaud, for State tax, and certificate of Ed. George, referred to in H. Bry's deposition, and marked No. 3.

Treasury Department.

I, the undersigned, treasurer of the State of Louisiana, acknowledge to have received of the heirs of Morehouse, by the hands of M. E. George, the sum of one hundred and thirty-one dollars, being the amount of the State tax of his land situated in the parish of Ouachita, said land returned to the treasury as non-resident land by the collector of the said parish, on account of failure of payment of the State tax, for the year eighteen hundred and twenty-one.

New Orleans, the February 6th, 1823.

$131. FELIX ARNAUD, *Treasurer.*

UNITED STATES OF AMERICA.

Be it known, that on the day of the date hereof, before me, Peter Lorha, of Philadelphia, notary public, by lawful authority duly com-

missioned and sworn, appeared Edward George, who being by me duly sworn according to law, did depose and say, that he paid to the treasury of the State of Louisiana, at New Orleans, the sum of one hundred and thirty-one dollars, for taxes on lands in the said State, and received from him the annexed acknowledgment or receipt for the same.

EDWARD GEORGE.

[L. S.] In testimony whereof I hereunto set my hand and affixed my notarial seal, the twenty-eighth day of June, 1823.

PETER LORHA, *N. P.*

Receipts for the United States direct tax, referred to in H. Bry's deposition, (marked) No. 4.

United States direct tax.

Received this 6th day of , 1819, from Mr. Andrew Morehouse, the sum of twenty-four dollars $\frac{22}{100}$, for the direct tax of 1816, upon the property of Andrew Morehouse, in the parish of Ouachita, in the 1st collection district in the State of Louisiana.

Dollars 24 $\frac{22}{100}$.

Employed by F. A. Blanc, collector for the 1st collection district of Louisiana.

JONA. MORGAN, *Att.*

(Marked) No. 5.—United States direct tax.

Received, this 6th day of July, 1819, from Mr. George Morehouse the sum of seventy-one cents, for the direct tax of 1816, upon the property of George Morehouse, in the parish of Ouachita, in the 1st collection district, in the State of Louisiana.

Dollars $\frac{71}{100}$.

Employed by F. A. Blanc, collector for the 1st collection district in the State of Louisiana.

JONA. MORGAN, *Att.*

Field notes of J. McLawchlin, referred to in H. Bry's deposition, and marked No. 2.

Field notes of the front of a survey made for Baron de Bastrop by the order and in presence of the commandant.

1804, February 7th.—From the mouth of bayou Bartolemy, N. 20 E. 18 arpents, N. 5 west 32 arpents, N. 75 E. 12 arpents, north 10 arpents, N. 55 E. 6 arpents, east 7 arpents, N. 30 E. 8 arpents, N. 16 arpents, N. 25 E. 28 arpents, north 34 arpents, N. 55 W. 12 arpents, N. 70 W. 6 arpents, S. 50 W. 4 arpents, N. 85 W. 28 arpents, N. 5 E. 10 arpents, N. 5 W. 4 arpents, N. 75 E. 8 arpents, N. 10 E. 8 arpents, N. 30 W. 18 arpents, N. 8 arpents, N. 15 E. 18 arpents, N. 10 W. 58 arpents, N. 25 W. 6 arpents, N. 45 W. 6 arpents, N. 10 W. 4 arpents, N. 20 E. 112 arpents, N. 45 E. 4 arpents, N. 20 W. 4 arpents, N. 4 arpents, N. 35 E. 10 arpents, N. 65 E. 10 arpents, N.

55 E. 8 arpents, N. 25 E. 28 arpents, N. 5 E. 23 arpents, same course 12 arpents, N. 20 E. 12 arpents, N. 10 W. 8 arpents, N. 25 W. 6 arpents, N. 45 W. 8 arpents, N. 30 W. 22 arpents, N. 12 W. 224 arpents, same course 318 arpents.

The above notes were taken by me in February, 1804, when ordered by Don Vincente Fernandez Texeiro, then commanding officer here, to survey a front of land of 12 leagues square for the Baron de Bastrop, beginning at the mouth of bayou Bartolemy and running up the high land on Ouachita for quantity.

In presence of said commanding officer, baron, and others.

Given under my hand, this 24th December, 1820.

J. McLAWCHLIN, *Arpent'r part.*

There were one hundred and eleven persons introduced by the Baron de Bastrop at the time he was solicited to divest the further introduction by the Spanish governor.

Twentieth. The plaintiffs offered in evidence Carlos Laveau Trudeau's copy, dated 3d December, 1806, of his own plan of survey of the Bastrop grant, executed 14th June, 1796, (marked A, No. 4.)

[For plat, see original.]

No. 922.

Luisiana, año 1797. Puesto de Ouachita.

Don Carlos Trudeau, agrimensor real y particular de la provincia de la Luisiana, &c.

Certifico que el presente plano contiene cien quarenta y quatro leguas planas de superficie, cada legua formando un quadrado que tiene por lados dos mil y quinientas toesas, medida de la ciudad de Paris, segun uso y costumbre de esta colonia; cuyo terreno situado en el puesto de Ouachita, á como ochenta leguas mas arriba de la emboladasa del mismo rio en el rio Colorado, lindado dicho terreno á la parte del S. Œ. con las orillas orientales del rio y bayues Ouachita, Barthelemy y Siar, conforme á la linea colorado, bondando dicho rio y bayues, &c., al sur por una linea dirigida del sur sesenta y cinco grados este, de tres leguas y una milla de larga, á tomar desde la orilla (C) del bayu de Siar hasta encontrar la altura de la junta (A) del mismo bayu Siar con el bayu Bartelemy, dicho punto (A) sirviendo de baza á la linea del medimiento (AB) de doze leguas de larga, paralelamente al plano del bayu Bartelemy, desde el punto (A) hasta el último de dichos doze leguas, terminándose el punto (B) en la embocadura del bayu Térms.; los límites

(DEFG) son paralelos dirigidos norte cinquenta y dos grados, sin atender á la variacion de la bruxula, variando esta de ocho grados al N. E. Y, para que conste, doy la presente, con el plano figurativo que acompagna, á favor del señor Baron de Bastrop, Junio quatorze de mil setecientos noventa y siete años. Firmado yo, el presente agrimensor, y mas abajo hallase anotado en el libro A No. 1, vo. 38, al No. 922 de las expreds. de apeos, y copiado de sus originales, remitidos dobles á la secreta. del govo. de órden verbal del señor comandante gral. el señor Baron de Carondelet, ut supra.

Es copia conforme á su original que para en la oficina de agrimensura general, á que me remito; y, á fin que sirve donde convenga, doy la presente á pedimiento de parte.

Nueva Orleans, á tres del mes de Diciembre de mil ocho cientos y seis años.

CARLOS TRUDEAU, *Agt.*

Translation of document marked A, No. 4.

[For plat, see original.]

Don Carlos Trudeau, surveyor, royal and special, of the province of Louisiana, &c.

I certify, that the present plan contains one hundred and forty-four plane leagues of superficies, each league forming a square, which has for its side two thousand five hundred toises, measure of the city of Paris, according to the use and custom of this colony; which tract is situated in the post of Ouachita, at about eighty leagues above the entrance of the same river into the Red river; said tract adjoining, on the S. W. part, the eastern shores of the river and bayous Ouachita, Barthelemy, and Sciar, conformably to the red line bordering said river and bayous, &c., to the south by a line directed from the south sixty-five degrees east, of three leagues and one mile in length, to begin from the bank (C) of the bayou de Sciar, until it encounters the apex of the junction (A) of the same bayou Sciar with the bayou Barthelemy, the said point (A) serving as a base to the line of admeasurement (A B) of twelve leagues in length, parallel to the plane of the bayou Barthelemy, from the point (A,) until the last of the said twelve leagues, the point (B) terminating in the mouth of the bayou Termino. The limits (D, E, F, G) are parallel, directed north fifty-two degrees east, without regard to the variation of the compass, this varying eight degrees to the N. E.; and that it may appear, I give the present, with the figurative plan which accompanies it, in favor of the Señor Baron de Bastrop, June fourteenth, of the year one thousand seven hundred and ninety-seven, signed I, the present surveyor, (and farther down.) This is

found noted in the book A, No. 1, folio 38, at No. 923, of the proceedings of survey, and copied from its originals remitted double to the office of the secretary of government by verbal order of the señor commandant general, the Señor Baron de Carondelet, ut supra.

This is a copy, conformable to its originals, which remains in the office of surveyorship general, to which I refer; and that it may serve where may be fit, I give the present at petition of a party. New Orleans, the third of the month of December, of the year one thousand eight hundred and six.

CARLOS TRUDEAU, *Surveyor Gen.*

Twenty-first. The plaintiffs offered in evidence a copy, by Levin Wailes, register of [the] land office at Opelousas, dated 2d January, 1821, of a petition dated 10th June, 1797, signed P. de Bastrop, and order of Gov. Carondelet thereon of same date, granting lands in lieu of lands overflowed or already occupied.

(*Marked A No.* 6.)

A su excelencia el señor Baron de Carondelet, gobernador general de la provincia de la Luisiana, &c.

Don Felipe de Bastrop tiene la honra de observar á V. S. que las doze leguas en quadro, que V. S. le ha otorgado por su contrato, se hallan en parte aneyadas y ocupadas por antiguos habitantes; en cuya virtud, á V. S. suplica se sirva tener á bien concederle la misma cantidad de tierra, á tomar sobre el rio Ouachita y el bayu de Syard y Barthelemy, en donde le será mas conveniente, sin perjudicar á las tierras que V. S. ha concedido al sr. de Maison Rouge en la pradería Chatellerian; gracia que espera recibir á la recta justicia que V. S. administra.

Nueva Orleans, 10 Junio *of* 1797.

P. DE BASTROP.

NUEVA ORLEANS, 10 *de Junio de* 1797.

Como lo pide, despachase por secretaría en la forma que solicita.

EL BARON DE CARONDELET.

REGISTER'S OFFICE, OPELOUSAS,
January 2d, 1821.

I certify the foregoing is a true copy of an original document deposited in my hands by Mr. John Nancarrow, which document has been reported by me as additional evidence in the claim of the Representatives of Abraham Morehouse, ☞ pursuant to the 4th and 5th sections of an act of Congress entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th May, 1820. In which report I have given it as my opinion that the said document is genuine and entitled to full credit.

Given under my hand the date above written.

LEVIN WAILES,
Register of the land office.

☞ Should be Baron de Bastrop.

Translation of document marked A, No. 6.

To his excellency the Señor Baron de Carondelet, governor general of the province of Louisiana, &c.

Don Philip de Bastrop has the honor to observe to your lordship that the twelve leagues square which your lordship has granted to him by his contract, are found in part overflowed and occupied by ancient inhabitants; in consequence of which he prays that your lordship will be pleased to grant him the same quantity of land, to be taken upon the river Ouachita and the bayou de Syard and Barthelemy, where it will be most convenient to him, without prejudice to the lands which your lordship has granted to the Señor de Maison Rouge, in the prairie Chatellerian. A favor which he hopes to receive from the upright justice which your lordship administers. P. DE BASTROP.

New Orleans, the 10th of June, 1797.

Order.

New Orleans, 10th June, 1797. As he requests, let it be dispatched by the secretary department in the form which he solicits.

The BARON DE CARONDELET.

Twenty-second: The plaintiffs offered in evidence, in the book entitled Registro de decretos de primera concesiones, (brought by subpœna duces tecum from the United States land office at N. Orleans,) a grant, dated 21st June, 1796, to the Baron de Bastrop, of six toises of land on both sides of the bayou Siard, with privilege of building dykes and mills; also copy thereof, certified 25th March, 1847, by L. St. Martin, register of said office. Said copy alone to remain on file.

LAND OFFICE, *southeastern district of Louisiana.*

Al señor Baron de BASTROP: 21 JUNIO, 1796.

Con atencion á las ventajas que deben resultar á la poblacion del Ouachita y á la provincia en general, del fomento de la cultura del trigo y construccion de molinos para harina, que el suplicante se propone hacer á sus expensas, le concedo, en nombre de S. M., y usando de las facultades que me tiene concedidas, cierre el bayu de Siard, donde estableciere los molinos con un digue en el parage mas proporcionado para sus trabajos; igualmente le concedo el goze exclusivo de seis toesas de terreno de cada lado del bayu Siar, desde su orígen hasta la desembocadura, para que pueda construir las obras [y] malecones necesarios á sus molinos; bien entendido que en esta concesion no se entiende prohibir la libre navigacion de dho. bayu á los demas habitantes, que podrán usar de él sin que no obstante les sea permitido echar puente alguno ni embarazar la navigacion, que en todos tiempos ha de quedar libre y expedita baxo las condiciones expresadas. Construidas los molinos que juzgare á proposito, podrá disponer de ellos y de su terreno adjacente, como de bienes que enteramente le pertenecen en virtud de este decreto, por el que se extenderán á continuacion las diligencias de apeo, que verificará y remitirá el comte. Dn. Juan Filhiol, para proveer al interesado del correspondente título en forma, siendo condicion for-

found noted in the book A, No. 1, folio 38, at No. 922, of the proceedings of survey, and copied from its originals remitted double to the office of the secretary of government by verbal order of the señor commandant general, the Señor Baron de Carondelet, ut supra.

This is a copy, conformable to its originals, which remains in the office of surveyorship general, to which I refer; and that it may serve where may be fit, I give the present at petition of a party. New Orleans, the third of the month of December, of the year one thousand eight hundred and six.

CARLOS TRUDEAU, *Surveyor Gen.*

Twenty-first. The plaintiffs offered in evidence a copy, by Levin Wailes, register of [the] land office at Opelousas, dated 2d January, 1821, of a petition dated 10th June, 1797, signed P. de Bastrop, and order of Gov. Carondelet thereon of same date, granting lands in lieu of lands overflowed or already occupied.

(*Marked A No.* 6.)

A su excelencia el señor Baron de Carondelet, gobernador general de la provincia de la Luisiana, &c.

Don Felipe de Bastrop tiene la honra de observar á V. S. que las doze leguas en quadro, que V. S. le ha otorgado por su contrato, se hallan en parte aneyadas y ocupadas por antiguos habitantes; en cuya virtud, á V. S. suplica se sirva tener á bien concederle la misma cantidad de tierra, á tomar sobre el rio Ouachita y el bayu de Syard y Barthelemy, en donde le será mas conveniente, sin perjudicar á las tierras que V. S. ha concedido al sr. de Maison Rouge en la pradería Chatellerian; gracia que espera recibir á la recta justicia que V. S. administra.

Nueva Orleans, 10 Junio *of* 1797.

P. DE BASTROP.

NUEVA ORLEANS, 10 *de Junio de* 1797.

Como lo pide, despachase por secretaría en la forma que solicita.

EL BARON DE CARONDELET.

REGISTER'S OFFICE, OPELOUSAS,
January 2d, 1821.

I certify the foregoing is a true copy of an original document deposited in my hands by Mr. John Nancarrow, which document has been reported by me as additional evidence in the claim of the Representatives of Abraham Morehouse, [1] pursuant to the 4th and 5th sections of an act of Congress entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the 11th May, 1820. In which report I have given it as my opinion that the said document is genuine and entitled to full credit.

Given under my hand the date above written.

LEVIN WAILES,
Register of the land office.

[1] Should be Baron de Bastrop.

Translation of document marked A, No. 6.

To his excellency the Señor Baron de Carondelet, governor general of the province of Louisiana, &c.

Don Philip de Bastrop has the honor to observe to your lordship that the twelve leagues square which your lordship has granted to him by his contract, are found in part overflowed and occupied by ancient inhabitants; in consequence of which he prays that your lordship will be pleased to grant him the same quantity of land, to be taken upon the river Ouachita and the bayou de Syard and Barthelemy, where it will be most convenient to him, without prejudice to the lands which your lordship has granted to the Señor de Maison Rouge, in the prairie Chatellerian. A favor which he hopes to receive from the upright justice which your lordship administers. P. DE BASTROP.

New Orleans, the 10th of June, 1797.

Order.

New Orleans, 10th June, 1797. As he requests, let it be dispatched by the secretary department in the form which he solicits.

The BARON DE CARONDELET.

Twenty-second: The plaintiffs offered in evidence, in the book entitled Registro de decretos de primera concesiones, (brought by subpœna duces tecum from the United States land office at N. Orleans,) a grant, dated 21st June, 1796, to the Baron de Bastrop, of six toises of land on both sides of the bayou Siard, with privilege of building dykes and mills; also copy thereof, certified 25th March, 1847, by L. St. Martin, register of said office. Said copy alone to remain on file.

LAND OFFICE, *southeastern district of Louisiana.*

Al señor Baron de BASTROP: 21 JUNIO, 1796.

Con atencion á las ventajas que deben resultar á la poblacion del Ouachita y á la provincia en general, del fomento de la cultura del trigo y construccion de molinos para harina, que el suplicante se propone hacer á sus expensas, le concedo, en nombre de S. M., y usando de las facultades que me tiene concedidas, cierre el bayu de Siard, donde estableciere los molinos con un digue en el parage mas proporcionado para sus trabajos; igualmente le concedo el goze exclusivo de seis toesas de terreno de cada lado del bayu Siar, desde su orígen hasta la desembocadura, para que pueda construir las obras [y] malecones necesarios á sus molinos; bien entendido que en esta concesion no se entiende prohibir la libre navigacion de dho. bayu á los demas habitantes, que podrán usar de él sin que no obstante les sea permitido echar puente alguno ni embarazar la navigacion, que en todos tiempos ha de quedar libre y expedita baxo las condiciones expresadas. Construidas los molinos que juzgare á proposito, podrá disponer de ellos y de su terreno adjacente, como de bienes que enteramente le pertenecen en virtud de este decreto, por el que se extenderán á continuacion las diligencias de apeo, que verificará y remitirá el comte. Dn. Juan Filhiol, para proveer al interesado del correspondente título en forma, siendo condicion for-

mal y expresa de esta concesion que á lo menos un molino se halle construido dentro de dos años; pues de otro modo, que dará nula.

REGISTER'S OFFICE, *New Orleans.*

I, Louis St. Martin, register of the land office at New Orleans, do hereby certify the within document to be a true copy, taken from one of the records in my office, entitled "Registro de los primeros decretos de concesiones de tierra," at libro 8, page 19.

In faith whereof I hereunto subscribed my name, this 25th day of March, 1847. LS. ST. MARTIN, *Register.*

Translation.

June 21, 1796.

TO THE SENOR BARON DE BASTROP: With attention to the advantages which must result to the population of the Ouachita and that of the province in general, from the encouragement of the cultivation of wheat and construction of flour mills which the petitioner intends to make at his expenses, I grant him, in the name of his majesty, and using the powers which he has conceded to me, that he may close the bayou de Siar, where he may establish the mills, with a dike at the place most suited to his works. I likewise grant him the exclusive enjoyment of six toises of land on each side of the bayou Siar, from its source to its mouth, in order that he may construct the works and embankments necessary to his mills; it being well understood that in this grant it is not understood to prohibit the free navigation of said bayou to the other inhabitants who may make use of it; without, nevertheless, it being permitted to them to cast any bridge nor embarrass the navigation, which at all times is to remain free and unimpeded. Under the conditions expressed, when the mills have been constructed which he may see fit, he may dispose of them and of his adjacent lands as property belonging to him entirely, in virtue of this decree, by which the proceedings of survey, which the commandant, Don Juan Filhiol, shall make out and remit, shall be extended in consequence, in order to provide the party concerned with the corresponding title in form. It being a formal and express condition of this grant, that at least one mill be found constructed within two years, since otherwise it shall remain annulled.

Twenty-third: The plaintiffs offered in evidence an original grant, in 1799, to one Michael Rogers, of lands N. W. of Ouachita river, (said document being brought by sub. duces tecum from the U. S. land office at New Orleans,) with the petition and several orders thereon. Also a copy thereof, certified by L. St. Martin, register of said land office, under date of 27th May, 1847; said copy alone to remain on file.

LAND OFFICE, *southeastern district of Louisiana.*

No. 17.

A Mr. l'indendant général des provinces de la Louisiane et Floride occidentale.

Supplie Michel Rogers, habitant de ce poste, pour qu'il vous plaise, monsieur, luy accorder une terre située au nord-ouest de la rivière de

Ouachita, au bout de la longue vue de la prairie des Canots, de la contenance de cinq arpens de face sur la dite rivière et quarante arpens de profondeur, bornée au sud-est par celle d'Alexandre Lawrence, et au nord-ouest par celle de Chs. Le Bœuf. Le suppliant se conformera à l'usage étably icy pr. la communauté des ciprières, qui se trouveront enclavées dans les concessions des habitans, et ne cessera de faire des vœux pour votre conservation.

Au Ouachita, le p'er Avril, 1799.

MICHAEL ROGERS.

Le suppliant est au poste en vertu du contrat du Baron de Bastrop. La terre qu'il demande n'a pas été concédée.

Au Fort Miro, le 6 8bre, 1779.

FILHIOL.

Al sor. fiscal Morales, Ldo. Serrano.

Proveyólo el sr. Dn. Juan Ventura Morales, intendte. interino de rl. hasda. de esta prova. de la Luisiana por S. M., que lo firmó con dictámen del sor. asesor gral., en la Na. Orleans, á diez y ocho de Dizre. de mil sete[cientos] noventa y nueve.

CÁRLOS XIMENES.

En el mismo dia participé el traslado antecedente al sor. fiscal de rl. hasda.; doy fé.

XIMENES.

El fiscal de rl. hacienda ha visto la instancia de Miguel Rogers, havitante del puesto del Ouachita, para que se le concedan cinco yucadas de tierra en frente al rio de mismo nombre y cuarenta de profundidad; y, respecto á ser de las familiás que por la contrata del Baron de Bastrop vinieron á esta provincia en la calidad de pobledores, es de parecer el fiscal se acceda á su solicitud, no haviendo oposicion por parte de los mas próximos vecinos, sobre que el tribunal determinará lo que tenga por mas conforme á justicia.

Nueva Orleans, 19 de Dre. de 1799.

GILBERTO LEONARD.

Vistos, cumpliendo esta parte con lo pertenido en los artículos segundo, undecimo, y trigesimo-segundo de la nueva instruccion, se proveerá lo que corresponda.

MORALES.

LDO. SERRANO.

Proveyólo el sor. Dn. Juan Venta. Morales, contador pral. de exto. é intendte. interino de rl. hazda. de esta prova. de la Luisa. por S. M., que lo firmó con dictámen del sor. asesor gral. de la intenda., en la Na. Orleans, á veinte y tres de Diciembre de mil sete[cientos] noventa y nueve.

CÁRLOS XIMENES.

En el mismo dia participé el auto antecedte. al sor. fiscal de rl. hazda.; doy fé.

XIMENES.

REGISTER'S OFFICE, *New Orleans.*

I, Louis St. Martin, register of the land office at New Orleans, do hereby certify the foregoing to be a true copy of the original document deposited in my office, with many other ancient documents of various kinds and dates collected into bundles.

In faith whereof I hereunto subscribe my name, this 27th day of May, 1847. L. ST. MARTIN, *Register.*

No. 17.

Translation of the foregoing document.

To Mr., the intendant general of the provinces of Louisiana and West Florida.

Michael Rogers, an inhabitant of this post, prays that it will please you, sir, to grant him a tract of land situated to the northwest of the Ouachita river, at the end of the long reach of the Prairie des Canots, containing five arpents front on the said river, and forty arpents deep, bounded to the southeast by that of Alexander Lawrence, and to the northwest by that of Chs. Le Bœuf. The petitioner will conform to the custom here established for the community, (common right,) in the cypress woods which are to be found comprised in the concessions of the inhabitants, and will not cease to make vows for your preservation.

MICHAEL ROGERS.

Ouachita, the 1st April, 1799.

The petitioner is at the post in virtue of the contract of the Baron de Bastrop; the tract which he asks has not been granted. At Fort Miro, the 6th October, 1799. FILHIOL.

To the sor. fiscal Morales, Ldo. Serrano.

So decreed by Señor Don Juan Ventura Morales, intendente ad interim of the royal treasury of this province of Louisiana for his majesty, who signed it by the advice of the señor assessor general, in New Orleans, the eighteenth of December, seventeen hundred and ninety-nine.

CARLOS XIMENES.

On the same day I communicated the foregoing copy to the señor chancellor of the royal exchequer (fiscal de real hacienda,) which I certify. XIMENES.

The chancellor of the royal exchequer has seen the petition of Miguel Rogers, an inhabitant of the post of Ouachita, that there be granted to him five yokes (yugadas) of land fronting on the river of the same name, and forty in depth, and in consideration of his being of the families which, by the contract of the Baron de Bastrop, came to this province in the capacity of settlers, (pobladores,) it appears to the chancellor that his petition should be acceded to, there being no opposition on the part of the nearest neighbors, upon which the tribunal will determine as it may consider most conformable to justice. New Orleans, 19th of December, 1799.

GILBERTO LEONARD.

Seen: This party complying with what is provided in article second, eleventh, and thirty-second of the new regulation.

MORALES, LDO. SERRANO.

Thus decreed by Señor Don Juan Ventura Morales, principal auditor of the army (contador pral. de exto.) and intendant ad interim of the royal exchequer of this province of Louisiana for his majesty, who signed it with the advice of the señor assessor general of the intendency of New Orleans, the twenty-third of December, one thousand *seventeen* hundred and ninety-nine.

CARLOS XIMENES.

On the same day I communicated the foregoing act to the señor chancellor of the exchequer, which I certify.

XIMENES.

Twenty-fourth. The plaintiffs offered in evidence the return of a commission issued 11th January, 1847, to P. McEnery, justice of the peace in Ouachita, with depositions and documents annexed, viz:

Deposition of Grammont Filhiol.

Deposition of Judge Henry Bry.

Return to subpœna duces tecum for Carondelet's letters.

Copy of deed in English language, with a certificate in Spanish, of a conveyance from Baron de Bastrop to A. Morehouse of two-thirds of the grant, said deed bearing date 25 January, 1804, and the copy 17 February, 1847.

Original letter of Baron de Carondelet to Filhiol, dated 2d April, 1795.

Original letter of Baron de Carondelet to Filhiol, dated 2d June, 1796.

Original letter of Francisco Rendon to Filhiol, dated 30th October, 1795.

The above three letters were objected [to] by the district attorney as not official, and being read to determine their nature, were admitted in evidence by the court.

Commission, dated 11th January, 1847.

Court of the United States, for the district of Louisiana.

To P. McEnery, justice of the peace in and for the parish of Ouachita, State of Louisiana, or to any other magistrate in said parish:

Know ye, that reposing special trust and confidence in your integrity and ability, we hereby authorize and require you, that you call and cause to come before you all witnesses produced on the part of the plaintiffs or defendants, and them duly examine on oath, touching and concerning certain matters and things in a cause now depending in the said court, wherein the Cities of Philadelphia and New Orleans are plaintiffs, and the United States are defendants; and the same examinations, so taken and reduced to writing, you certify under your hand

and seal, and send enclosed to this court without delay, to be read in evidence on the trial of said cause, and send also this writ.

Witness the honorable Theo. H. McCaleb, judge of said court, at the city of New Orleans, this eleventh day of January, anno [SEAL.] domini 1847, and the 71st year of the independence of the United States of America.

N. R. JENNINGS, *Clerk.*

Interrogatories annexed to said commission.

Interrogatories to be propounded to witnesses residing in the parish of Ouachita, State of Louisiana, and to be examined under commission issued on behalf of the plaintiffs in suit No. 21 on the docket of land suits in the United States district court, for the district of Louisiana, in which the cities of Philadelphia and New Orleans are plaintiffs, and the United States of America are defendants.

1. What is your name, age, residence, and occupation?

2. Have you seen the original of a certain deed of sale, dated 23d of January, 1804, whereby the Baron de Bastrop conveyed to Abraham Morehouse, in consideration of the sum of $350,000, two-thirds of the tract of 12 leagues square, situated in Ouachita, in Louisiana, and known as Bastrop's grant, which said Baron claimed as a concession from the Baron de Carondelet, governor of the province of Louisiana, made in the year 1796 or 1797. If yea, examine the document marked E, which will be herewith exhibited to you, and state whether or not you know and believe it to be a correct copy of original deed; state whether or not it differs from the original, and in what respect.

If you say that you have seen said original deed of sale, state when and where you saw it, and in whose possession or custody. By whom was it signed? Did you know or not the signatures of the persons signing or attesting the same, or of any of them, and were they genuine or not?

4. What has become of said deed of sale, and where is it now? Is it to be found, or is it lost or missing; was it usually in the custody of any particular officer or person, and if so be, of whom; if lost, has it been sought for; and if sought for, when, where, how, and by whom?

5. Who, and what, was Wm. Haughey; is he living or dead; in this country or not; and if dead or absent, when did he die or depart?

6. Do you know any thing further concerning said deed of sale, or concerning the Baron de Bastrop's grant, or concerning any facts or documents relative thereto, which may be useful to the plaintiffs? If yea, state your knowledge on said subject fully and circumstantially.

(Signed) H. H. STRAWBRIDGE,
Of plaintiffs' counsel.

Cross interrogatories to be propounded on behalf of the United States to each of the witnesses examined in chief:

1. Have you any interest in the event of this suit?

2. Will you gain or lose any thing should this suit be decided in favor of the plaintiffs?

3. Do you hold, or do you claim, any portion of the lands alleged to have been granted by the former Spanish authorities of Louisiana to the Baron de Bastrop, and which are in controversy in the present suit; and, if you do so claim, what is the nature or character of your claim?

4. Does any one to whom you are related hold or claim any portion of such lands; and, if yea, what is the degree of that relationship?

5. If, in answer to the second chief interrogatory, you say you have seen the original of the document marked B, then when did you see it last; in what month of what year; in whose possession was it at that time; where is that person who then possessed it; what became of him; if living, where does he reside; did you, at that time, examine the said original document particularly; what then called your attention to it; had you any interest in examining it; what was that interest; does that interest still exist; is your recollection very distinct in regard to that original; did you make any memorandum about it when you examined it; have you that memorandum still; would you have recollected, so as to be able to describe that original, if the present alleged copy, marked B, had not been produced and exhibited to you; can you now swear positively that it really is a correct copy; and from what circumstances do you know it to be correct?

6. If, in answer to the second interrogatory in chief, you speak of an original document, then what do you understand by an original; will you please express yourself fully on that point; was that original signed by the Baron de Bastrop; did you know him personally; how long have you known him; did you know him intimately; what was the nature of your relations with him; did you ever see him write or sign his name; did you often see him write and sign his name; did you see him sign his name to the original document of sale you speak of? If you did not see him sign, how do you know that he signed it; were you a subscribing witness to the instrument; who were subscribing witnesses; are they now alive; where do they live; did you know them personally; did you see them sign; were you familiar with their handwriting?

7. If you state said original is lost, will you please to state fully the grounds you have for knowing or believing it to be lost; was it lost by being destroyed, or merely mislaid; by what accident was it destroyed; do you know the fact of your own knowledge; did you ever make any exertions to find it; and, if so, of what nature; was ever any publication made of its loss; and, if so, what manner; where; and at what date?

8. If you say any thing of Wm. Haughey, were you personally acquainted with him; are the facts you state in regard to him from your personal knowledge? The document marked B is not now hereunto annexed, and all objections to it appearing on its face when presented and offered in evidence are reserved. And it is well understood that, in the answer to the sixth chief interrogatory, the contents of no docu-

ments are to be sworn to, which is not produced to the witness, and annexed to his answer.

(Signed) THOMAS J. DURANT,
Attorney of the United States
for the district of Louisiana.

CLERK'S OFFICE,
United States district court, district of Louisiana:

I certify, that the foregoing is a true and exact copy of the original on file and of record in this office; as witness my hand and [L. S.] the seal of the said court, at New Orleans, this 11th day of January, 1847.

N. R. JENNINGS, *Clerk.*

Testimony of G. Filhiol, taken under the foregoing commission.

THE CITIES OF PHILADELPHIA and New Orleans,
vs.
THE UNITED STATES.

STATE OF LOUISIANA,
Parish of Ouachita.

Court of the United States for the district of Louisiana.

By virtue of a commission to P. McEnery, justice of the peace in and for the parish of Ouachita, State of Louisiana, or to any other magistrate in said parish, from the honorable the court of the United States for the district of Louisiana, dated at the city of New Orleans, the eleventh day of January, 1847, I, Paul McEnery, a justice of the peace in and for the parish of Ouachita, and State aforesaid, this 26th day of February, 1847, took the depositions of Grammont Filhiol, a witness produced on part of plaintiffs; which depositions are to be read in evidence on the trial of this cause, viz:

Answer of witness to 1st interrogatory. My name is Grammont Filhiol; my age 57; the place of my birth, parish of Ouachita; my residence, in the same parish; my occupation, a planter.

Answer of witness to 2d interrogatory. I see now before me the original deed from the Baron de Bastrop to Abraham Morehouse, dated the 25th January, 1804, for two-thirds of Bastrop's grant, for and in consideration of the sum of $350,001, which original deed is in the possession of the recorder of this parish, and is signed by the Baron de Bastrop. I can testify to his signature, as well as to those of Victe. Fernz. Tejeiro, Thomas Losada, and Jn. Villard, having seen each of them write their names frequently, and having known them personally. The certified copy of the said original deed from the recorder hereto annexed, No. 8, has been carefully examined and collated with the original, and is full and correct; as well as I am informed the recorder is prohibited by law to relinquish the original deeds in his office, but is authorized to give certified copies whenever demanded.

Answer of witness to 3d, 4th, and 5th interrogatories. These are answered by the above.

Answer to 6th interrogatory. I see before me the original letters from the Baron de Carondelet, the then governor of the province of Louisiana, to John Filhiol, my father, the then commandant of the post of Ouachita, dated the 2d April, 1795, and 2d June, 1796, relating to Bastrop's and Maisan Rouge's grants. These letters are hereto annexed, No. 9 and 10, and were in the office of the clerk of the district court of this parish. I observed also an original letter from Franco. Rendon, then intendant of the army, and deputy superintendent of the royal domains in the province of Louisiana, dated 30th October, 1795, to John Filhiol, my father, among whose papers I found this letter, in which he states that he had sent before to him the form of certificates for provisions, to be given to the families coming from New Madrid, to ensure payment by the government, although the name of Bastrop is not mentioned therein, I believe it could not relate to any thing else but to the contract between the Spanish government and Bastrop, for introducing the families he was to locate on his grant. This letter, which was in my possession, is hereto annexed, No. 6.

Answers of witness to cross interrogatories, viz:

To 1st interrogatory witness answers: I have none whatsoever.

To 2d interrogatory witness answers: I will neither gain nor lose.

To 3d interrogatory witness answers: I have no claim to any lands within the Bastrop's grant.

To 4th [interrogatory] witness answers: No.

To 5th interrogatory witness answers: This is answered by answer to 2d interrogatory in chief.

To 6th interrogatory witness answers: I understand an original document to be the first written instrument and signed by the parties, and not a copy. I did not see the Baron de Bastrop write his name to the original deed hereto referred to, but having seen him write frequently, and being well acquainted with him, I have no doubt that his signature to the original deed to Abraham Morehouse is genuine and was written by him.

Interrogatories 7 and 8 are already answered.

G. FILHIOL.

Sworn to and subscribed before me this 26th day of February, 1847.

PAUL McENERY,
Justice of the Peace.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Paul McEnery, a justice of the peace in and for the parish of Ouachita and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing two and half pages contain the depositions or answers of Grammont Filhiol, a witness produced on part of plaintiffs, which depositions or answers were taken by me on this 26th day of February, 1847, by virtue of a commission and interrogatories hereto

annexed from the honorable the court of the United States for the district of Louisiana; that the answers of said witness were written by me and in my handwriting; that the answers of said witness were read over by him, and were sworn to and subscribed by said witness in my presence, as attested by me, after having been reduced to writing by me as aforesaid; and [that] said witness stated that his answers had been correctly written out before he signed them as aforesaid.

In witness whereof I have hereunto subscribed my name this 26th day of February, 1847.

PAUL McENERY,
Justice of the Peace.

Testimony of H. Bry, taken under the foregoing commission.

The Cities of Philadelphia and New Orleans
vs.
The United States.

Court of the United States for the district of Louisiana.

State of Louisiana, *parish of Ouachita.*

By virtue of a commission directed to P. McEnery, justice of the peace in and for the parish of Ouachita, State of Louisiana, or to any other magistrate in said parish, from the honorable the court of the United States for the district of Louisiana, dated at the city of New Orleans, the eleventh day of January, A. D. 1847, I, Paul McEnery, a justice of the peace in and for the parish of Ouachita and State aforesaid, this 22d day of February, 1847, took the depositions or answers of Henry Bry, a witness produced on the part of the plaintiffs; which depositions are to be read in evidence on the trial of this cause, as follows:

Answer of witness to 1st interrogatory. My name is Henry Bry; my age, near 66; I was born in Geneva, in Switzerland; my residence, near Monroe, parish of Ouachita; my occupation, farming.

Answer of witness to 2d interrogatory. I see now in the possession of the recorder of this parish the original of a deed from Bastrop to Morehouse, dated 25th January, 1804, for two-thirds of Bastrop's grant, for the sum of $350,001. This original deed is signed by Bastrop. I can testify to his signature, having known him personally and seen him sign his name. I am also convinced that Texeiro, the then Spanish commandant, signed the certificate thereto attached, by comparing it with others from him. The witness to it, J. Villard, signed as such; I was well acquainted with his handwriting and signature. The certified copy from the recorder, hereto annexed, No. 8, has been carefully examined and collated with the original, and is full and correct. As far as I am informed, the recorder is forbidden by law to relinquish the original deeds in his office, but is authorized to give certified copies whenever demanded.

3d, 4th, and 5th interrogatories answered by the above.

Answer of witness to 6th interrogatory. I see before me the original letters from Baron de Carondelet, the then governor of the province of Louisiana, to John Filhiol, then commandant of the post of Ouachita, dated 2d April, 1795, and 2d June, 1796, relating to Bastrop and Maison Rouge's grants. These letters are hereto annexed, No. 9 & 10, and were in the office of the clerk of the district court of this parish. I observe also an original letter from Franco. Rendon, then intendant of the army and deputy superintendent of the royal domains in the province of Louisiana, dated 30th October, 1795, to John Filhiol, stating his having before sent to him the form of certificates for provisions to be given to the families coming from New Madrid, to insure payment by the government. Although the name of Bastrop is not mentioned therein, I believe that it could not relate to any thing else but to the contract between the Spanish government and Bastrop, for introducing the families he was to locate on his grant. This letter, which was in the possession of Grammont Filhiol, son of John Filhiol, former commandant, is also hereto annexed, No. 6.

Answers of witness to cross interrogatories.

To 1st interrogatory witness answers: I have none.

To 2d interrogatory witness answers: As above.

To 3d interrogatory witness answers: I hold no lands in that grant, nor do I claim any.

To 4th witness answers: No one related to me has any claim in that grant.

To 5th, 6th, 7th, and 8th, witness answers: These are answered by answer to 2d interrogatory in chief. H. BRY.

Sworn to and subscribed before me, this 22d February, 1847.

PAUL McENERY,
Justice of the peace.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Paul McEnery, a justice of the peace in and for the parish of Ouachita and State aforesaid, duly commissioned and sworn, do hereby certify, that the foregoing two pages contain the depositions of Henry Bry, a witness produced on part of plaintiff; which depositions or answers were taken by me on this 22d day of February, 1847, by virtue of a commission and interrogatories hereto annexed from the honorable the court of the United States for the district of Louisiana; that the answers of said witnesses were written out by me and in my handwriting; that the answers of said witness were read over by him, and were sworn to and signed by said witness in my presence, as attested by me, after having been reduced to writing by me as aforesaid; and said witness stated that his answers had been correctly written out before he signed them as aforesaid.

In witness whereof I have hereunto subscribed my name, this 22d day of February, A. D. 1847. PAUL McENERY,
Justice of the peace.

Return to subpœna duces tecum for Carondelet's letters.

MAYOR, Aldermen, &c., of Philadelphia and N. Orleans,
vs.
THE UNITED STATES.

United States district court, district of Louisiana, February 4th, 1847.

Present, the honorable T. H. McCaleb.

On motion of H. H. Strawbridge, esq., of counsel for the plaintiffs, representing that he has just discovered in the possession of J. Baptiste Filhiol, clerk of the twelfth district court of Louisiana, for the parish of Ouachita, two certain original letters from the Baron de Carondelet, governor general of the Spanish province of Louisiana, dated respectively the 2d day of April, 1795, and the 2d day of June, 1796, and addressed to J. Filhiol, formerly a commandant of the post and district of Ouachita, which letters relate to the Bastrop grant, and are material to the success of the plaintiff's suit; and on further representing that the said Filhiol is unwilling to deliver the same to the commissioner without an order of court, and that the signature of the Baron de Carondelet cannot be proven in the parish of Ouachita, it is ordered, that a subpœna duces tecum issue, addressed to J. B. Filhiol, clerk aforesaid, commanding him to produce forthwith said letters in this court, either by delivering them to the clerk thereof or to P. McEnery, justice of the peace, acting as commissioner to take depositions in this cause by virtue of commissions from this court, in order that he may annex said letters to the return to said commission. It is further ordered, that said commissioner be authorized to receive and receipt for said letters by endorsement, or copies thereof, to be collated and certified by him and by said J. B. Filhiol as clerk, which are to be left with the latter in place of the original until said originals can be to him returned.

CLERK'S OFFICE, *February 5th*, 1847.

I hereby certify the foregoing to be a true copy from the minutes.

[SEAL.] N. R. JENNINGS, *Clerk*.

I acknowledge service of the within, and, in compliance with the order of the court, have delivered the two original letters therein mentioned to Paul McEnery, justice of the peace, and acting as commissioner, who has receipted for the said letters, and deposited in my office copies of the said letters, certified and collated with the originals by the said Paul McEnery, justice of the peace and acting as commissioner, and by me, the clerk of the 12th district court, this 16th day of February, A. D. 1847, and which said copies are left with me in place of the originals until said originals can be to me returned.

J. B. FILHIOL, *Clerk*.

Copy of deed of Baron de Bastrop to Ab. Morehouse, (marked No. 8.)

This indenture, made the 25th day of January, one thousand eight hundred and four, between P. W. N. Tot, Baron de Bastrop, of the

province of Louisiana, of one part, and Abraham Morehouse, now of said province, of the other part, witnesseth: That the said Baron de Bastrop, for and in consideration of the sum of three hundred and fifty thousand dollars, justly due and owing to the said Morehouse by the said Bastrop, together with legal interest thereon (from) since the 13th day of September, A. D. one thousand eight hundred, as appears by a sentence of the honorable Danville district court, for the State of Kentucky, at their January term, one thousand eight hundred and two, as well as the further sum of one dollar, now in hand paid by the said Morehouse, the receipt of which he doth hereby acknowledge, and forever acquit, for the said dollar, the said Morehouse, his heirs, executors, and administrators, hath granted, bargained, sold, aliened, and confirmed, and by these presents doth grant, bargain, sell, alien, convey, and confirm, unto the said Abraham Morehouse, his heirs and assigns forever, the one equal undivided two-thirds parts of all that tract or parcel of land lying and being in the district of Ouachita and province of Louisiana, on the waters of the Ouachita river, containing twelve leagues or one million sixteen thousand and sixty-four acres of land, more or less, agreeable to the customary measure of said province, as marked in the original map executed by Don Carlos Trudeau, surveyor general of said province, dated the (fourteenth) 14th of June, one thousand eight hundred and ninety-seven, with the same privileges and charges, so as the said tract or parcel of land was granted to the said Baron de Bastrop by a decree of the Baron Carondelet, governor general of said province, dated 21st June, 1796; and also by an order of the said governor general, by a letter of office dated 18th June, 1797; and further by letters patent in the name of the King of Spain, under the hand and seal of the said governor general of the said province, bearing date the 20th day of June, anno domini one thousand seven hundred and ninety-seven, reference thereto being had may fully appear; together with all the improvements, water courses, and appurtenances whatsoever to the said premises belonging or in anywise appertaining, and the reversions, remainders, and profits thereof, and all the estate, right, title, interest, claim, and demand of him, the said Baron de Bastrop, of, in, and to the same. To have and to hold the lands and premises hereby conveyed, with all and singular the appurtenances, unto the said Abraham Morehouse, his heirs and assigns, forever; and the said Baron de Bastrop, for himself, his heirs, executors, and administrators, doth covenant and agree, with the said Morehouse, his heirs and assigns, that the premises before mentioned now are and forever shall be free from all incumbrances whatsoever, done or suffered to be served by the said Bastrop; and the said Baron de Bastrop doth, for himself and his heirs, all and singular the premises hereby bargained, sold, and conveyed unto the said Morehouse, his heirs and assigns, against the said Bastrop and his heirs, and against all and every other person or persons, will warrant and forever defend by these *presence*.

In witness whereof the said Baron de Bastrop hath hereunto set his hand and affixed his seal the day and year above written.

(Signed) BARON DE BASTROP. [SEAL.]

Signed, sealed, and delivered in presence of, and made duplicate, one of which is to remain in the office.

Grátis.

Dn. Victe. Fernz. Tejeiro, teniente del regimiento [de] infantería de la Luisiana y comandante político y militar de este puesto y su jurisdiccion.

Certifico que la firma y pública de la bueltas es de la mano del Dn. Baron de Bastrop, á quien certifico conozco, y qe. la hizo en mi presencia y en la de Tomás Lozado y Juan Villard, testigos de asistencia y vecinos de este distrito; y, para qe. conste adonde convenga, firmo la presente, á peticion del sor. Baron de Bastrop y de Dn. Abraham Morehouse, y queda en el archivo de esta comandancia de mi cargo por convenir á via dhos. señores; y testigos firmaron conmigo, en el puesto de Ouachita, á los veinte y cinco dias del mes de Enero del año de mil ochocientos y quatro.

(Signed) VICT. FERNZ. TEJEIRO,
Comandante.

THOMAS LOZADO,
JN. VILLARD,
Testigos.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Charles H. Morrison, recorder and ex officio notary public, in and for said parish and State, do hereby certify, that the above and foregoing deed is a true and correct copy taken from the original act now on file and of record in my office.

Given under my hand and seal of office, on this the 17th day of February, A. D. 1847.

C. H. MORRISON, *Recorder.*

Translation of the certificate in Bastrop's deed to Morehouse.

Don Victe. Fernz. Tejeiro, lieutenant of the regiment of infantry of Louisiana, and political and military commandant of this post and its jurisdiction.

I certify, that the signature and flourish on the reverse hereof are in the hand of the Señor Baron de Bastrop, which I certify and recognise, and that he made it in my presence, and in that of Thomas Lozado and Juan Villard, witnesses assisting and residents of this district; and that it may appear where may be fit, I sign the present at petition of the Señor Baron de Bastrop and of Don Abraham Morehouse, and it remains in the archives of this commandancy under my charge, as agreed upon by said gentlemen; and the witnesses have signed with me, in the post of Ouachita, the twenty-fifth day of the month of January, of the year one thousand eight hundred and four.

VICTE. FERNZ. TEJEIRO, *Commandant.*

Witness—THOMAS LOZADO,
JN. VILLARD.

Original letter of Baron de Carondelet to Filhiol, (marked A 2, and No. 9.)

No. 1.

NOUVELLE-ORLEANS, *ce 2 Avril*, 1795.

No. 1.—Rep. le 20 May.

Vos vœux vont enfin être satisfaits, monsieur; nous venons de passer un contrat avec Mr. le Marquis de Maison Rouge pour trente et tant de familles d'agriculteurs, qui vont former un établissement *au* Ouachita, composé de royalistes Français, de Hollandais, Flamands et Allemands. M. de Breard, ci-devant officier de marine, est parti pour les ports des Etats-Unis, où il les prendra et les conduira par l'Ohio *au* Ouachita; peut-être en amènera-t-il même davantage, car nous lui avons permis de prendre des engagés. D'un autre côté, le Baron de Bastrop, Hollandais, a contracté également pour quantité de familles, qui nous viendront en droiture de Hollande, et je l'attends lui-même de jour en jour par le haut du fleuve. Mr. de Maison Rouge, qui réunit toute espèce de connaissance, est parti d'icy pour Natches, où il est allé prendre son équipage et quantité d'instrumens propres au labourage à un nouvel établissement et à fabriquer un moulin-à-scie; car son principal objet, et le nôtre, est la culture du bled, qui fournira un moulin-à-moudre que M. Tardiveau va établir aux environs de la ville, comme celui qu'il vient de faire à la Nouvelle-Madrid avec le plus grand succès, à quatre meules, et de la façon la plus ingénieuse.

Vous laisserez choisir à Mr. de Maison Rouge quatre mille arpens pour son établissement, ou, [si] bon lui semblera, qui lui seront délivrés fait-à-fait que les familles arriveront, à raison de dix arpens de face sur quarante de profondeur par famille. Celle de Breard monte par ce bateau, et je vous prie d'avoir pour elle toute espèce de considération, l'accommodant de votre mieux jusqu'à l'arrivée de Mr. de Maison Rouge, et d'une autre famille restée également aux Natches.

D'après ce plan vous voyez, monsieur, que vous ne serez plus aussi isolé que ci-devant, et que dans peu vous vous trouverez en état de faire face aux sauvages. Les Osages ont commis encore quelques vols; nonobstant ils n'ont tué aucuns de nos chasseurs, s'étant contentés de leur prendre le fruit de leur chasse. Comme le fort que nous bâtissons chez eux ne sera achevé qu'à la fin de cette année, il n'est pas possible encore de les assujetir, comme il y a lieu d'espérer que nous y parviendrons par la suite.

Quant aux Chactaws, il n'y a pas de mal que les nations de l'autre bord leur fassent la guerre; cela les empêchera de fréquenter aussi souvent vos parages, et, lorsqu'ils voiront que vos habitans seront en force, ils vous porteront plus de respect; au reste, un fort, et y mettrons garnison, dès que la guerre nous permettra de diminuer celles des postes les plus exposés. L'intention de Mr. de Maison Rouge est de former une peuplade réunie, afin d'être en état de s'y dé-

Signed, sealed, and delivered in presence of, and made duplicate, one of which is to remain in the office.

Grátis.

Dn. Victe. Fernz. Tejeiro, teniente del regimiento [de] infantería de la Luisiana y comandante político y militar de este puesto y su jurisdiccion.

Certifico que la firma y pública de la buelta es de la mano del Dn. Baron de Bastrop, á quien certifico conozco, y qe. la hizo en mi presencia y en la de Tomás Lozado y Juan Villard, testigos de asistencia y vecinos de este distrito; y, para qe. conste adonde convenga, firmo la presente, á peticion del sor. Baron de Bastrop y de Dn. Abraham Morehouse, y queda en el archivo de esta comandancia de mi cargo por convenir á via dhos. señores; y testigos firmaron conmigo, en el puesto de Ouachita, á los veinte y cinco dias del mes de Enero del año de mil ochocientos y quatro.

(Signed) VICT. FERNZ. TEJEIRO,
Comandante.

THOMAS LOZADO,
JN. VILLARD,
Testigos.

STATE OF LOUISIANA, *parish of Ouachita.*

I, Charles H. Morrison, recorder and ex officio notary public, in and for said parish and State, do hereby certify, that the above and foregoing deed is a true and correct copy taken from the original act now on file and of record in my office.

Given under my hand and seal of office, on this the 17th day of February, A. D. 1847.

C. H. MORRISON, *Recorder.*

Translation of the certificate in Bastrop's deed to Morehouse.

Don Victe. Fernz. Tejeiro, lieutenant of the regiment of infantry of Louisiana, and political and military commandant of this post and its jurisdiction.

I certify, that the signature and flourish on the reverse hereof are in the hand of the Señor Baron de Bastrop, which I certify and recognise, and that he made it in my presence, and in that of Thomas Lozado and Juan Villard, witnesses assisting and residents of this district; and that it may appear where may be fit, I sign the present at petition of the Señor Baron de Bastrop and of Don Abraham Morehouse, and it remains in the archives of this commandancy under my charge, as agreed upon by said gentlemen; and the witnesses have signed with me, in the post of Ouachita, the twenty-fifth day of the month of January, of the year one thousand eight hundred and four.

VICTE. FERNZ. TEJEIRO, *Commandant.*

Witness—THOMAS LOZADO,
JN. VILLARD.

Original letter of Baron de Carondelet to Filhiol, (marked No. 2, *and* No. 9.)

No. 1.

NOUVELLE-ORLEANS, *ce* 2 *Avril*, 1795.

No. 1.—Rep. le 20 May.

Vos vœux vont enfin être satisfaits, monsieur; nous venons de passer un contrat avec Mr. le Marquis de Maison Rouge pour trente et tant de familles d'agriculteurs, qui vont former un établissement *au* Ouachita, composé de royalistes Français, de Hollandais, Flamands et Allemands. M. de Breard, ci-devant officier de marine, est parti pour les ports des Etats-Unis, où il les prendra et les conduira par l'Ohio *au* Ouachita; peut-être en amènera-t-il même davantage, car nous lui avons permis de prendre des engagés. D'un autre côté, le Baron de Bastrop, Hollandais, a contracté également pour quantité de familles, qui nous viendront en droiture de Hollande, et je l'attends lui-même de jour en jour par le haut du fleuve. Mr. de Maison Rouge, qui réunit toute espèce de connaissance, est parti d'icy pour Natches, où il est allé prendre son équipage et quantité d'instrumens propres au labourage à un nouvel établissement et à fabriquer un moulin-à-scie; car son principal objet, et le nôtre, est la culture du bled, qui fournira un moulin-à-moudre que M. Tardiveau va établir aux environs de la ville, comme celui qu'il vient de faire à la Nouvelle-Madrid avec le plus grand succès, à quatre meules, et de la façon la plus ingénieuse.

Vous laisserez choisir à Mr. de Maison Rouge quatre mille arpens pour son établissement, ou, [si] bon lui semblera, qui lui seront délivrés fait-à-fait que les familles arriveront, à raison de dix arpens de face sur quarante de profondeur par famille. Celle de Breard monte par ce bateau, et je vous prie d'avoir pour elle toute espèce de considération, l'accommodant de votre mieux jusqu'à l'arrivée de Mr. de Maison Rouge, et d'une autre famille restée également aux Natches.

D'après ce plan vous voyez, monsieur, que vous ne serez plus aussi isolé que ci-devant, et que dans peu vous vous trouverez en état de faire face aux sauvages. Les Osages ont commis encore quelques vols; nonobstant ils n'ont tué aucuns de nos chasseurs, s'étant contentés de leur prendre le fruit de leur chasse. Comme le fort que nous bâtissons chez eux ne sera achevé qu'à la fin de cette année, il n'est pas possible encore de les assujetir, comme il y a lieu d'espérer que nous y parviendrons par la suite.

Quant aux Chactaws, il n'y a pas de mal que les nations de l'autre bord leur fassent la guerre; cela les empêchera de fréquenter aussi souvent vos parages, et, lorsqu'ils voiront que vos habitans seront en force, ils vous porteront plus de respect; au reste, un fort, et y mettrons garnison, dès que la guerre nous permettra de diminuer celles des postes les plus exposés. L'intention de Mr. de Maison Rouge est de former une peuplade réunie, afin d'être en état de s'y dé-

fendre aisément contre les sauvages et d'y rassembler des artisans de toute espèce.

Je suis enchanté que vous vous trouviez, monsieur, chargé de ce commandement. Votre amour pour l'humanité, vos connaissances, votre désintéressement, tout me répond du zèle que vous emploïerez pour le succès d'une entreprise qui est de la plus grande conséquence pour cette colonie et pour l'Etat; car notre objet est de nous mettre hors de la dépendance des Américains pour l'approvisionnement des farines, que la Louisiane parviendra peut-être un jour à fournir à la Havane, ce qui lui procurera une nouvelle branche de commerce. Vous serez sûrement des plus satisfaits du caractère, des connaissances, des vues particulières du Marquis de Bâton Rouge; vous trouverez en lui un ami qui vous rendra agréable l'espèce de solitude dans laquelle vous avez vécu jusqu'à présent, et j'espère qu'à vous deux vous transformerez ces déserts en un pays enchanté; vu que les circonstances et la situation présente de l'Europe nous promettent d'y attirer un grand nombre d'émigrés utiles, car je n'y veux aucune espèce de gens oisifs ou peu propres à l'agriculture

J'ai l'honneur d'être, avec la plus parfaite considération, monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

Translation.

NEW ORLEANS, *this 2d April*, 1795.

No. 1.—Rec'd the 20th May.

Your hopes are at last about to be satisfied, sir; we have just passed a contract, with Mr. the Marquis of Maison Rouge, for thirty *and* so of families of agriculturists, who are going to form an establishment at Ouachita, composed of French royalists, Hollanders, Flemish, and Germans. Mr. de Breard, ci-devant . . . of marine, has departed for the ports of the United States, where he will take them and conduct them by the Ohio to Ouachita; perhaps he will even bring more of them, for we have permitted him to take hired hands, (des engagés;) on the other hand, the Baron de Bastrop, a Hollander, has contracted also for a quantity of families, who will come to us direct from Holland; and I expect him himself, from day to day, by the upper river. Mr. de Maison Rouge, who unites all kinds of knowledge, has left here for Natchez, where he has gone to take his equipage and a quantity of instruments fit for tillage to a new establishment, and to build a saw mill; for his principal object, and ours, is the cultivation of wheat, which will supply a grist mill which Mr. Tardiveau is going to establish in the neighborhood of the city, like that which he has just made at New Madrid, with the greatest success, with four grindstones, and in the most ingenious manner.

You will let Mr. de Maison Rouge choose four thousand arpents for his establishment where it may seem good to him, which shall be delivered to him, in proportion as the families shall arrive, at the rate of

ten arpents front by forty deep per family; that of Breard goes up by this boat, and I beg you to have for it every consideration, accommodating it in the best way you can until the arrival of Mr. de Maison Rouge, and of another family which has also remained at Natchez.

According to this plan, you see, sir, that you will no longer be so isolated as heretofore, and that in a short time you will find yourself in a condition to make head against the savages. The Osages have again committed some robberies; nevertheless they have not killed any of our hunters, having *con/ended* themselves with taking from them the fruits of their chase. As the fort which we are building among them will be completed only at the end of this year, it is not yet possible to subject them, as there is room to hope that we will succeed in doing afterwards.

As to the Choctaws, there is no harm in the nations of the other border making war upon them; it will prevent them from frequenting so often your neighborhood; and when they shall see that your inhabitants will be in force, they will bear you more respect. As to the rest; . . . . a fort; and we will place there a garrison as soon as the war . . . . will permit us to diminish that of the posts the most exposed. The intention of Mr. de Maison Rouge is to form an united colony, so as to be in a state to defend himself there easily against the savages, and to assemble together there *are* artisans of every kind.

I am enchanted that you should find yourself, sir, charged with this command; your love for humanity, your knowledge, your disinterestedness, all answer to me for the success of an enterprise which is of the greatest consequence for this colony and for the State, for our object is to place ourselves beyond dependence on the Americans for the provisioning of flour stuffs, that Louisiana will succeed perhaps one day in furnishing to the Havana, which will procure her a new branch of commerce.

You will surely be highly satisfied with the character, knowledge, and private views of the Marquis de *Baton* Rouge. You will find in him a friend who will render agreeable to you the kind of solitude in which you have lived until now; and I hope . . . you two will transform these deserts into an enchanted land, seeing that the circumstances and present situation of Europe permit us to draw thither a great number of useful emigrants, for I do not there . . . any kind of indolent people, or people little adapted to agriculture.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

THE BARON DE CARONDELET.

Original letter of Baron de Carondelet to Pilhiol (marked A 1 No. 10.)

NOUVELLE-ORLEANS, *ce 2 Juin*, 1799.

No. 5.—Rep. le 14 Juillet, par Mr. Breard.

J'ai reçu et lu, monsieur, avec un plaisir réel la lettre que vous avez écrite à Mr. de Maison Rouge, le 23 Avril, et dont vous me passez la copie dans celle du No. 10. Les représentations que vous lui faites

sont fondées sur la justice, la raison et la modération. S'il n'y a aucuns égards, il faudra emploïer la force des loïs; et quoique j'apprendrais avec peine qu'il vous aie forcé d'y recourir, je ne pourrai qu'approuver votre fermeté et soutenir vos décisions, car il n'est pas juste qu'un particulier tienne le public dans sa dépendance, et je l'ignore, comme je le lui marque, ce que c'est que de s'écarter des loix et de la justice la plus impartiale. Quant au sieur Morrison, j'ai vérifié qu'il n'est nullement fondé à prétendre se maintenir sur un territoire qui ne lui appartient pas, et à le démembrer de celui que j'ai destiné au nouvel établissement; si cependant il y avait une maison et des travaux conséquens, je pourrai lui accorder la même extension de terre que s'il faisait partie du dit établissement, coupant court de cette façon à toute jalousie et prétentions des nouveaux colons.

Mr. de Maison Rouge me demande un arpenteur, mais l'établissement est encore trop peu conséquent pour cet effet, et vous pourrez, en attendant qu'il prenne vigueur, donner cette commission à quelques personnes de satisfaction ou la remplir vous-même.

La prétention à l'établissement d'une compagnie de cavalerie est une chimère dans les circonstances présentes; mais si le traité de limites a lieu, ce dont je doute encore, on pourra établir une garnison de troupe réglée au fort Miro.

Mr. le Baron de Bastrop, qui descend actuellement le fleuve, parviendra peut-être à convaincre Mr. de Maison Rouge de la nullité du système qu'il s'est formé; il m'a paru d'un caractère droit, rempli de bon sens, et d'une douceur qui l'a rendu cher icy à tout le monde; vous en serez sûrement, monsieur, très content, et il contribuera à égayer votre solitude. L'ordre que je vous passe concernant les engagés pour le nouvel établissement n'aura de force, prenez y bien garde, qu'autant que leur engagement aura été contracté hors des domaines du roy par écrit, ou pardevant deux témoins impartiaux, au cas que l'intéressé ne sait pas écrire.

J'ai l'honneur d'être, avec la plus parfaite considération, monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

Monsr. Filhiol.

Translation.

New Orleans, *this 2d June*, 1796.

No. 5.—Rec'd the 14th July, by Mr. Breard.

I have received and read, sir, with a real pleasure, the letter which you have written to Mr. de Maison Rouge, the 23d April, and of which you send me the copy in that of No. 10. The representations which you make to him are founded on justice, reason, and moderation. If he has no regard to them, it will be necessary to employ the force of the laws; and although I shall learn with pain that he should have forced you to have recourse to them, I cannot but approve your firmness and sustain your decisions; for it is not just that a private person

should keep the public depending upon him, and I am ignorant, as I remark to him, of what it is to step aside from the laws and from the most impartial justice.

As to Mr. Morrison, I have ascertained that he is in no manner founded in pretending to maintain himself on a territory which does not belong to him, and to dismember it from that which I have destined to the new establishment. If, however, he had there a house and consequent works, I could accord him the same extent of land as if he made part of the said establishment, cutting short, in this manner, all jealousy and pretensions of the new colonists.

Mr. de Maison Rouge asks me for a surveyor; but the establishment is, as yet, of too little consequence for this effect; and you can, while awaiting it to gain vigor, give this commission to some satisfactory persons, or fill it yourself.

The pretension to the establishment of a company of cavalry is a chimera in the present circumstances; but if the boundary treaty takes place, of which I doubt as yet, there may be a garrison of regular troops established at Fort Miro.

Mr. the Baron de Bastrop, who is at present descending the river, will succeed, perhaps, in convincing Mr. de Maison Rouge of the nullity of the system which he has formed for himself. He has appeared to me of an upright character, full of good sense, and of a mildness that has rendered him beloved here by every one. You will surely, sir, be content with him, and he will contribute to enliven your solitude.

The order which I transmit you concerning those engaged for the new establishment will only have force—take good care of this—so far as their engagement shall have been contracted without the domains of the King, in writing, or before two impartial witnesses, in case the party concerned does not know how to write.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

THE BARON DE CARONDELET.

Mr. FILHIOL.

Original letter of Francisco Rendon to Filhiol (marked A No. 6 and No. 6.)

MONSIEUR: J'ai reçu votre office en date du 12 du courant, ainsi que l'état que *que* vous me remettez des personnes arrivées en votre poste par la voie de la N'elle-Madrid et des Natches, le 24 Septembre précédent; et tout autant que les certifications que vous délivrez à ce sujet se trouveront conformes au modèle que vous m'accusez en avoir reçu, elles seront satisfaites sans dificulté, mais non autrement.

J'ai l'honneur d'être, monsieur, votre très humble [et] obéissant serviteur,

FRANCO. RENDON.

N'elle-Orléans, 30 Octobre, 1795.

Monsieur JEAN FILHIOL.

Translation.

Sir: I have received your official, dated the 12th instant, as well as the report which you remit me of the persons arrived at your post by the way of New Madrid and the Natchez, the 24 September preceding; and, so far as the certificates which you will deliver on this subject shall be found conformable to the model which you accuse me of having received, they shall be satisfied without difficulty, but not otherwise.

I have the honor to be, sir,

Your very humble obedient servant,

FRANCO. RENDON.

New Orleans, 30th October, 1795.

Mr. Jean Filhiol.

Twenty-fifth. The plaintiffs offered in evidence the original letter of Carondelet to Mr. de Maison Rouge, dated 5th March, 1797, (marked A 3.)

N'elle-Orleans, *ce* 6 *Mars*, 1797.

J'ai remis, monsieur, à Mr. de Grand-Pré, la vérification et décision des plaintes que vous me portez par votre lettre du 23. En égard à ce que ne me trouvant pas sur les lieux, il m'est impossible d'en juger par moi-même; cependant je ne peux m'empêcher de vous dire que votre dette vis-à-vis de M. de la Beaume étant contractée purement et simplement par un billet, qui ne fait nullement mention des réstrictions que vous représentez, vous êtes dans le cas de la satisfaire ou d'être exécuté d'après les lois de tous les pays. J'envoie à Mr. de Grand-Pré le mandement d'exécution, afin qu'il vous laisse les moyens d'entrer auparavant en arrangement avec M. de la Beaume, et que, si vous ne pouvez y parvenir, il lui donne le cours prescrit par la loi.

Toute estimation doit être faite par des experts nommés également par les intéressés; mais, lorsqu'ils ne peuvent s'accorder, le juge nomme le troisième.

J'ai dépêché votre requête pour faire constater votre propriété, quoiqu'elle ne fût pas en règle; d'après mon décret, vous devrez vous adresser à l'arpenteur-général pour le titre légal. J'ai sçu de lui que son subdélégué Dn. Vizente Pintado s'étant présenté l'année dernière *au* Ouachita pour arpenter les possessions des habitans et les borner, ils s'y étaient refusés en disant qu'ils n'avaient pas de quoi payer ses honoraires; nonobstant il ne peut voyager et travailler pour rien.

J'ai défendu à Carnet de s'établir *au* Ouachita sous quelque prétexte que ce soit; mais il va se placer au Natches d'où il envoyera les Chactaws chasser de vos côtés, ce qui sera encore plus dangereux, car les Natchez n'étant plus à nous, nous n'aurons rien à lui dire. Pour rendre ce poste plus respectable, je vais y envoyer une petite garnison; mais je ne sais [pas] où la loger, el il faudrait que les habitans aidassent à couper des palissades pour former une enceinte ou espèce de fort dans lequel ils se retireraient en cas d'insulte, et au milieu duquel je pla-

cerais une maison forte où se logerait la garnison. Un ingénieur doit partir sous peu de jours pour reconnaître son emplacement.

Vous sçaurez que le roy m'a nommé commandant général de ces provinces, et que je ne dépends plus que des ministres.

Nous attendons par momens le Baron de Bastrop, qui descend avec cinq mille quarts de farine.

J'ai l'honneur d'être, avec la plus parfaite considération, monsieur, votre très humble et très obéissant serviteur,

LE BARON DE CARONDELET.

MR. DE MAISON ROUGE.

Translation.

NEW ORLEANS, *this 5th March*, 1797.

I have remitted, sir, to Mr. de Grand-Pré the verification and decision of the complaint which you bring before me by your letter of the 23d, taking into consideration that, not being on the spot, it is impossible for me to judge of it by myself; nevertheless, I cannot prevent myself from telling you that your debt towards Mr. de la Beaume, being contracted purely and simply by a note, which in no manner mentions the restrictions which you set forth, you are so situated that you must satisfy it or be executed upon according to the laws of all countries. I send to Mr. de Grand-Pré the mandate of execution, in order that he may leave you the means of entering previously into arrangement with Mr. de la Beaume, and that if you cannot succeed in doing so, he may give it the course prescribed by law.

Every appraisement should be made by experts, named equally by the parties interested, but when they cannot agree, the judge names the third.

I have dispatched your petition (requêt) to have your proprietorship established, (constator,) although it was not in regular shape. According to my decree you will have to address yourself to the surveyor general for the legal title. I have learned from him that his deputy, Don Vizente Pintado, having presented himself last year at Ouachita to survey the possessions of the inhabitants and the bounds, they had refused it, saying that they had not wherewith to pay his fees; nevertheless he cannot travel and work for nothing.

I have forbidden Carnet to establish himself at Ouachita under any pretext whatever; but he is going to place himself at Natchez, whence he will send the Choctaws to hunt on your side, which will be still more dangerous, for the Natchez being no longer ours, we will have nothing to say to him. To render this post more respectable, I am about to send a small garrison there; but I do not know where to lodge it, and it would be necessary for the inhabitants to aid to cut palisades to form an enclosure, or species of fort, in which they could retire in case of insult, and in the midst of which I would place a strong house, where the garrison would lodge; an engineer is to depart within a few days to reconnoitre its position.

You must know that the King has named me commandant general of these provinces, and that I am no longer dependant, except on the ministers.

We expect momentarily the Baron de Bastrop, who is descending with five thousand quarters of flour.

I have the honor to be, with the most perfect consideration, sir, your very humble and very obedient servant,

THE BARON DE CARONDELET.

MR. DE MAISON ROUGE.

Twenty-sixth. The plaintiffs offered in evidence the original letter of Juan Filhiol to Maison Rouge, (marked A No. 5.)

MONSIEUR LE MARQUIS: Par une lettre d'office de S. E. le gouverneur-général du 24 Juin dernier; il me donne avis, que pour des motifs qui intéressent également le service du roy, le bien général et la tranquillité des postes des Natchitoches, Ouachita, Rapides y Avoyelles, il a nommé lieutenant-gouverneur des dits postes le colonel Dn. Carlos de Grand-Pré, qui doit faire sa résidence *au* Ouachita; et m'enjoint d'obéir à ses ordres comme commandant de sa dépendance.

Par une lettre particulière du 30 Juillet, S. E. se plaint que vous avez laissé partir M. d'Aigrepont, que vous traitez de colon, et auquel vous avez fait donner 100 piastres en la dite qualité par le trésor, sous prétexte que les chenilles ont ravagé son *mahy*, l'assurant que M. d'Aigrepont remettra cette somme au cas qu'il part de la Louisiane; et [il] me dit de vous dire de sa part, monsieur, que cette façon d'agir n'est pas en usage chez nous, où tout se fait avec la plus grande formalité; qu'avant de laisser abandonner à M. d'Aigrepont l'établissement pour lequel il s'était engagé, vous deviez l'obliger à rendre au roy les 100 piastres qui lui ont été avancées, et dont vous vous trouvez comptable vis-à-vis du trésor royal pour avoir manqué à cette formalité.

S. E. ajoute: "Je vous charge également, monsieur, d'obliger, en l'absence de Mr. de Grand-Pré, Mr. de Maison Rouge à faire choix des 4000 arpens de terre qui doivent se repartir aux 30 familles qu'il doit établir; lui défendant de déranger les anciens habitans, dont il doit écarter son établissement de façon à ne pas les gêner." J'ay l'honneur de vous prévenir, monsieur, que faute par vous d'avoir fait jusqu'à présent le choix de ces 4000 arpens, il ne vous est plus loisible de le faire qu'à six lieux de distance du Bayou Siard, vu que tout ce qui est renfermé dans cet espace et qui n'est pas concédé est destiné aux familles que le Baron de Bastrop doit y introduire.

Par décret de S. E., il m'est enjoint d'agir juridiquement pour vous contraindre au payement de diverses de vos obligations, montant à la somme de 283 piastres. Epargnez-moy, je vous prie, monsieur, ce désagrément, en satisfaisant tout de suite à cette somme. Décidez-vous, s'il le faut, à un sacrifice, auquel il faudra vous résoudre avant qu'il soit rendu plus conséquent par les frais qui s'ensuivront. J'attends à cet égard votre réponse jusqu'au 20 du courant.

Je suis, avec respect, monsieur le marquis, votre très humble et très obéissant serviteur,

FILHIOL.

FORT MIRO, *le* 12 *7bre*, 1796.

Translation.

SIR MARQUIS: By an official letter of his excellency, the governor general, of the 24th June last, he advises me that for motives which interest equally the service of the King, the general good, and the tranquillity of the posts of Natchitoches, Ouachita, Rapides, and Avoyelles, he has named as lieutenant governor of the said posts, Don Carlos de Grand Pré, who is to make his residence at Ouachita, and enjoins me to obey his orders as commandant.

By a private letter of the 30th July, his excellency complains that you have permitted the departure of Mr. D'Aigrepont, whom you treat as a colonist, and to whom you have caused 100 dollars to be given in said quality by the treasury, under pretext that the caterpillars have ravaged his corn, assuring it that Mr. D'Aigrepont will return this sum in case he should depart from Louisiana; and tells me to say to you on his part, sir, that this manner of acting is not customary among us, where every thing is done with the greatest formality; that before letting Mr. D'Aigremont abandon the establishment for which he had engaged himself, you should have obliged him to return to the King the 100 dollars which have been advanced to him, and for which you will find yourself accountable towards the royal treasury for having failed in this formality.

His excellency adds: I charge you also, sir, in the absence of Mr. de Grand Pré, to oblige Mr. de Maison Rouge to make choice of the 4,000 arpents of land, which are to be distributed to the 30 families which he is to establish; forbidding him to disturb the ancient inhabitants, from whom he is to place his establishment apart in such a manner as not to incommode them. I have the honor to notify you, sir, that owing to your having failed until now, in making choice of these 4,000 arpents, it is no longer lawful for you to make it, unless at six leagues distance from the bayou de Siard, inasmuch as all that is comprised in this space, and which is not granted, is destined to the families which the Baron de Bastrop is to introduce there.

By decree of his excellency, it is enjoined upon me to act judicially to constrain you to the payment of divers of your obligations, amounting to the sum of 283 dollars. Spare me, I pray you, sir, this disagreeable course, by satisfying immediately this sum. Decide yourself, if it must be so, to a sacrifice, to which you must make up your mind, before it be rendered of more consequences by the costs which will follow. I await on this subject your reply until the 20th instant.

I am, with respect, Sir Marquis, your very humble and very obedient servant,

FILHIOL.

Fort Miro, the 12th September, 1796.

Twenty-seventh. The plaintiffs offered in evidence the original document proved to be in the handwriting of Lieutenant Governor Francisco Bouligny, being a memorial, calculation, or statement concerning the Bastrop grant, &c., (marked A, No. 8.)

Concesion de Bastrop.

12|12 leguas son 144 leguas de superficie. Cada legua tiene 84 arpanes quadrados de superficie. Las 144 leguas son 1do 16064. Hagamos el cálculo sobre un millon de arpanes quenta redonda. Se ha obligado Bastrop á introducir y colocar en este terreno 500 familias de cultivadores, dándoles á cada familia un pedaso de terreno de diez arpanes de frente sobre el Ouachita ó bayu Sciar sobre 40 arpanes de profundidad, lo que hará una superficie de 400 arpanes para cada familia, de modo que las 500 familias ocuparán una superficie de 200,000 arpanes; con lo que *que* le quedaron en toda propriedad y señorio 800,000 arpanes. Supongamos que para dar valor á este terreno introduzca con la misma proporcion el mismo número de familias, lo que formará una poblacion de 2000 familias, que con las 500 anteriores compondrá el número de 2500 familias. Siguiendo la poblacion en los mismos términos y cuiéndose solo á la distancia que ay desde el Ouachita hasta el rio de Arkansas, que con corta diferencia viene á ser 48 leguas, combinando siempre la misma anchura de 12 leguas. Tendremos en este pedaso de terreno donde colocar tres poblaciones iguales á la de Bastrop, y las 4 juntas compondrán la suma de 10,000 familias. Este pié de poblacion de familias Europeas y cultivadores procurarán al soberano sencibles é inmensos beneficios. Segun el contrato de Bastrop, el real herario deve satisfacer la conduccion de estas 500 familias desde el No. Madrid, hasta el Ouachita, satisfaciéndoles desde el dia de su llegada allí hasta 6 meses despues, á razon de un real y medio por cabeza, lo que se puede regular suponiendo una familia con otra de cinco personas, á un gasto para la real hacienda por la citadas 500 familias, inclusas su conduccion y racion durante seis meses á 100*d*.000 pesos. Conservamos siempre la misma proporcion por lo que toca á las diez mil familias arriba citadas y deven formar la poblacion entre el Ouachita y Arkansas; en este caso le tendria de costo á Su Magestad la referida poblacion 400*d*.000 pesos, gasto muy tenue en comparacion de las sumas ventajas que le resultarán á su soberania. Bastrop se ha ofrecido con gusto á hacer esta empresa, y la verificará, porque es hombre de caudal y tiene proporciones inteligencia y genio para ello; y sobre todo se debe contar con seguridad, porque tiene un grande interés en realisar el pensamiento. ¿Quál es este interés? Lo voy á detallar con la claridad que me será posible. Si las quinientas familias que está obligado Bastrop á introducir por quenta de S. M. ocasionan al real herario un costo de 100*d*.000 pesos, por la misma razon deven ocasionarle al mismo Bastrop las 2000 familias, que deverá introducir para dar fomento y valor á sus tierras, el costo de 400*d*.000 pesos. Este es solo desde el Nuevo Madrid conduccion al Ouachita y la racion de 6 meses. Hablo solo de este costo, porque la conduccion de estas familias hasta el Nuevo

Madrid ó Nueva Orleans par la mar ó por los rios ne es fácil calcularlo, y pende de la mayor ó menor inteligencia y economía del que dirija la operacion; pero por un cálculo superficial, y solo para que pueda servir de base á esta combinacion, establezcamos un costo igual transportar estas familias hasta el Nuevo Madrid ó Nueva Orleans, del que tenemos establecido para transferirlas al Ouachita desde el Nuevo Madrid. Este es 400*d*.000 pesos, con lo que tendremos de costo total para Bastrop para transferir al Ouachita las 2000 familias que deben dar fomento y utilidad á sus tierras 800*d*.000 pesos, á cuya suma es preciso agregar las otras 500 familias que por quenta solo del soberano se ha obligado á transferir al Ouachita, y es de 100*d*.000 pesos, y le ocasionarán de gasto; tambien hasta ponerlas en el Nuevo Madrid 200*d*.000 pesos, de modo que queda en resúmen á cargo de Bastrop un gasto de un millon de pesos y un beneficio de 800*d*.000 arpanes de tierra, cuyo valor intrínseco no es calculable en el dia, y le deve reputar por nulo ínterim sea desierto; pero, verificada la poblacion en los términos supuestos, resultará que Bastrop, digámoslo así, la comprado al soberano la propiedad de 800*d*.000 arpanes de tierra, por el valor de un millon de pesos, que corresponde á 10 reales á plata el arpan, precio bien módico en comparacion del que tendrán inmediatamente estas tierras verificada que sea la introduccion de esas dos mil y quinientas familias, y puede calcularse sin exageracion, á 3 pesos el arpan, lo que dexaria un beneficio para Bastrop de 1,400*d*.000. Supongo el valor de estas tierras de 3 pesos el arpan, porque este es el que tienen en el dia las tierras que estan en frente del Ouachita en la partida de Natchés, y porque las dichas tierras del Ouachita tienen la ventaja de ser reputadas mas fértiles, y tener mas á mano el embarcadero es natural pensar y creer que Bastrop no haria una empresa de esta entidad si no tuviere á la vista un grande beneficio. El que yo le supongo á que quizás es muy moderado, y seria desear para el bien de esta provincia y del Estado que le resultare de este operacion un beneficio mucho mayor, como puede muy bien suceder; y es bastante verasímil que el valor intrínseco de estas tierras llegue hasta 10 y mas pesos por cada arpan, pues que en el dia algunas de las tierras vendidas en pública subasta por el Congreso de los Estados Unidos, sobre el Oyo, á medio real el arpan, valen á 8 y 10 pesos el arpan. Estas operaciones mercantiles de los A——

Translation from Spanish of Fco. Bouligny's document, (*A No.* 8.)

Bastrop's concession.

12|12 leagues are 144 leagues of superficies. Each league has 84 arpens square of superficies; the 144 leagues are 1 do 16064. Let us make the calculation upon a million of arpens in round numbers; Bastrop has obliged himself to introduce and locate in this tract 500 families of cultivators; giving then to each family a piece of land of ten arpens front upon the Ouachita or bayou Sciar, by 40 arpens depth, which will make a superficies of 400 arpens for each family, so that the 500 families will occupy a surface of 200,000 arpents. So that there

will be to him in absolute property and lordship 800,000 arpens. Let us suppose that to give value to this tract he should introduce with the same proportion the same number of families, which will form a population of 2,000 families, which, with the preceding 500, will compose the number of 2,500 families. Following the population in the same terms, and limiting it only to the distance which there is from the Ouachita to the Arkansas river, which, with slight difference, comes to be 48 leagues, combining always the same width of 12 leagues, we shall have in this piece of land, room to locate three populations equal to that of Bastrop, and the four jointly will compose the sum of 10,000 families. On this footing of population of European families and cultivators, they will procure sensible and immense benefits to the sovereign. According to the contract of Bastrop, the royal treasury is to satisfy the expense of conducting these 500 families from New Madrid to the Ouachita, paying them, from the day of their arrival there until six months afterwards, at the rate of a real and a half per head, which can be regulated, supposing one family with another to consist of five persons, at an expense for the royal treasury for the aforesaid 500 families, including their conduction and rations during six months, to 100*d*.000 dollars. Let us preserve always the same proportion with regard to the ten thousand families above mentioned, and which should form the population between the Ouachita and Arkansas; in this case the cost of the population referred to, would be to his Majesty 400*d*.000 dollars, an expense very slight in comparison with the very great advantages which will result to his sovereignty.

Bastrop has offered with pleasure to perform this undertaking, and he will accomplish it, for he is a man of fortune, and has fitness, intelligence, and hability for it; and, above all, it may be counted upon with security, for he has a great interest in realizing the thought. What is this interest? I will detail it with all the clearness that I possibly can. If the five hundred families which Bastrop is obliged to introduce on account of his Majesty occasion the royal treasury a cost of 100*d*.000 dollars, for the same reason the 2,000 families which Bastrop will have to introduce, in order to give support and value to his lands, must occasion to himself the cost of 400*d*.000 dollars; this is only from New Madrid bringing to the Ouachita, and the ration of six months.

I speak only of this cost, because the bringing of these families from New Madrid or New Orleans, by sea or by the rivers, is not easy to calculate, and depends on the greater or less intelligence and economy of the person who may direct the operation; but by a superficial calculation, and only in order that it may serve as a basis to this comparison, we may establish a cost for transporting these families as far as New Madrid or New Orleans equal to that which we have established for transporting them to the Ouachita from New Madrid—this is 400 d. 000 dollars; so that we shall have, as the total cost to Bastrop for transporting to Ouachita the 2000 families, which are to give support and utility to his lands, 800 d. 000 dollars; to which sum it is necessary to add the other 500 families, which, on account of the sovereign alone, he has

obliged himself to transport to Ouachita, and it is the sum of 100 d. 000 dollars, and they will occasion him also an expense, until placing them in New Madrid, of 200 d. 000 dollars; so there remains, in short, at the charge of Bastrop an expense of a million of dollars, and a profit of 800 d. 000 arpents of land, the intrinsic value of which cannot be calculated at the present day, and must be reputed null during the time it may be uninhabited. But its population once accomplished in the terms supposed, it will result that Bastrop has, so to speak, purchased of the sovereign the property, in 800,000 arpens of land, for the value of a million of dollars, which corresponds to 10 reals of silver the arpent, a price very moderate in comparrison with that which these lands will immediately have when the introduction of these two thousand five hundred families is once accomplished; and it may be calculated, without exaggeration, at 3 dollars the arpent, which would leave a profit for Bastrop of 1400 d. 000. I suppose the value of these lands at 3 dollars the arpent, because this is that which, at the present day, the lands have which are in front of the Ouachita in the district of Natchez, and because the said lands of Ouachita have the advantage of being reputed more fertile, and to have more at hand the facilities of navigation; it is natural to think and believe that Bastrop would not make an undertaking of this character if he had not in sight a great profit; that which I suppose to him here perhaps is very moderate; and it would be desirable, for the good of this province and of the State, that there should result to it from this operation a benefit much greater, as may very well happen; and it is sufficiently probable that the intrinsic value of these lands may reach to 10 and more dollars for each arpent; since, at the present day, some of the lands sold at public auction, by the Congress of the United States, on the Ohio, at half a real the arpent, are worth 8 and 10 dollars the arpent. These mercantile operations of the A—

[Here the manuscript terminates about three inches from the foot of the page, and its corner, with about two or three words, is torn off.]

Twenty-eighth. The plaintiffs offered in evidence a copy of title deeds of Bastrop's grant in Spanish, containing all the documents translated in the American State papers, certified by Philip Pedesclaux, under date the 3d January, 1823, to be a true copy of the registry on record in his office. Objected to, as being only a copy of a copy, and rejected by the court—plaintiffs reserving their bill of exceptions.

Twenty-ninth. The plaintiffs offered in evidence a copy certified by Jose del Rosario Nattés, archives keeper at Havana, of the decree of the King of Spain, dated San Lorenzo, 22d October, 1798, taking from governors of Louisiana the power of making grants of land and conferring it on the intendants.

[SEAL.]

Don José del Rosario Nattés, intendente honorario de provincia y archevero general de real hacienda y de la junta de fomento de esta isla, por S. M., &a.

Certifico que entre los diferentes fechos y papeles que constituyen el

archivo particular de la provincia de la Luisiana, ecsistente en este general de real hacienda de mi cargo, se encuentra un legajo que contiene los reales decretos y órdenes originales correspondientes al año de mil setecientos noventa y ocho, y entre todos lo que á la letra dice como sigue:

"En real órden de esta fecha, comunico al gobernador de esa provincia lo que sigue: El rey se ha servido resolver, en vista de la carta de V. S. de treinta y uno de Agosto del año pasado, número tres, dirigida al sor. Príncipe de la Paz, y de otra del intendente interino de esa provincia, de diez y seis de Octubre del mismo, número ciento setenta y quatro, relativas á la facultad de conceder y repartir tierras realengas en el distrito de su mando, cuyo privilegio estaba radicado en el gobierno político y militar, desde la real órden de veinte y cuatro de Agosto de mil setecientos setenta y cuatro; que por consideraciones del mejor servicio y esacto arreglo de lo mandado en el artículo ochenta y uno de la real ordenanza de intendentes de Nueva España, se reintegre y sea privativo de la intendencia de esa provincia el derecho de conceder y repartir toda clase de tierras, con inhibicion de otra autoridad en los términos legales que previenen las leyes; debiendo quedar por consequencia derogada y suprimida la facultad que residia antes en el gobierno para estas gracias, las cuales seguirán en lo sucesivo á cargo de la intendencia. Traslado á V. esta real resolucion, para su inteligencia y respectivo cumplimiento. Dios guarde á V. muchos años.

"San Lorenzo, viente y dos Octubre de mil setecientos noventa y ocho.

"SOLER,

"*Sor. intendente interino de la Luisiana.*

"Nueva Orleans, diez y siete de Julio de mil setecientos noventa y nueve.

"Pase á la contaduría principal de egército, para su inteligencia.

"MORALES."

Y en virtud de mandato del escmo. sor. Don Manuel María Arrieta, contador mayor decano del real tribunal de cuentas, que despacha interinamente la superintendencia general por hallarse en el campo el escmo. sor. Conde de Villanueva, espido la presente en la Habana, á diez de Abril de mil ocho cientos cuarenta y siete.

JOSE DEL ROSO. NATTES.

CONSULATE OF THE UNITED STATES,
Havana, May 12th, 1847.

Before me, Robert B. Campbell, consul of the United States of America for the city of Havana, personally appeared Jose del Rosario Nattes, the keeper of the records of the royal hacienda and fomenta of the Island of Cuba, who declared the foregoing copies of royal decrees to be correct and true copies of original decrees of record in the archives of his office.

In testimony whereof I have hereunto set my hand, and affixed the [SEAL.] seal of my office, at Havana, on the day of the date above written.

ROBERT B. CAMPBELL.

Translation.

Don Jose del Rosario Nattes, honorary provincial intendant and general keeper of the archives of the royal treasury and of the council of patronage of this island, by his majesty, &c.:

I certify, that among the different deeds and papers which constitute the particular archive of the province of Louisiana, extant in this general one of the royal treasury under my charge, is found a bundle which contains the royal decrees and original orders belonging to the year one thousand seven hundred and ninety-eight, and among them all one which reads literally as follows:

"In a royal order of this date I communicate to the governor of this province the following: The King has been pleased to resolve, considering the letter of your lordship of the thirty-first of August of last year, number three, addressed to the lord the prince of peace, and of another of the intendant ad interim of this province, of the sixteenth of October, of the same, number one hundred and seventy-four, which relate to the power of granting and distributing royal lands in the district under his command, which privilege was originally vested in the political and military government since the royal order of the twenty-fourth of August, seventeen hundred and seventy-four; that for the sake of the better service and exact regulation of what is commanded in article eighty-one of the royal ordinance of intendants of New Spain, the right of granting and distributing every class of lands be restored, and be peculiar to the intendancy of this province, with prohibition of other authority in the legal terms which the laws provide; the power of conferring these favors, which previously belonged to the government, is to remain, in consequence, annulled and suppressed, and to be in future in charge of the intendancy. I transmit to you this royal resolution for your information and respective fulfilment of it. God preserve you many years. San Lorenzo, the 22d of October, seventeen hundred and ninety-eight.

"SOLER,

"*The señor intendant ad interim of Louisiana.*"

New Orleans, the seventeenth of July, seventeen hundred and ninety nine.

Let it pass to the principal officer of exchequer of the army, for its information.

MORALES.

And by virtue of the mandate of the most excellent Señor Don Manuel Maria Arrieta, chief auditor senior of the royal tribunal of accounts, who discharges ad interim the functions of superintendency general on account of the most excellent Señor the Count de Villanueva being

in the country, I despatch the present in Havana, the tenth of April, one thousand eight hundred and forty-seven.

JOSE DEL ROSARIO NATTES.

Thirtieth: The plaintiffs offered in evidence a copy certified by Jose del Rosario Nattes, archive keeper at Havana, of the decree of the King of Spain, dated Madrid, 22d July, 1802, forbidding the intendent of Louisiana to make any further grants of land to Americans, and instructing the fiscal to take measures to annul a transfer agreed upon between the Baron de Bastrop and A. Morehouse.

[SEAL.]

Don José del Rosario Nattés, intendente honorario de provincia y archevero general de real hacienda y fomento de la isla de Cuba, por S. M. &a.

Certifico que entre los diferentes fechos y papeles que constituyen el archivo particular de la provincia de la Luisiana, ecsistente en este general de real hacienda de mi cargo, se encuentra un legajo que contiene los reales decretos y órdenes de S. M. originales correspondientes al año de mil ochocientos dos, y entre todos la real órden que á la letra dice como sigue:

"Por el ministerio de Estado se ha comunicado á este de mi cargo lo siguiente: Habiendo dado cuenta al rey de cuanto el intendente Don Ramon de Lopez y Angulo ha hecho presente por ese ministerio, en cartas números ciento dos y ciento tres, que me ha remitido V. E. en su oficio de trece del corriente y devuelvo, sobre los inconvenientes de conceder tierras á ciudadanos de los Estados Unidos de América, y de verificarse el traspaso convenido entre Abraham Morehouse y el Baron de Bastrop, se ha servido resolver que en lo sucesivo no se haga concesion alguna de tierras á ciudadanos de los Estados Unidos de América; y en cuanto á los vicios del traspaso, convenido entre dichos sujetos, que llene el fiscal de la causa los deberes de su empleo, en el supuesto de que S. M. no confirma semejante traspaso; lo que participo á V. de real órden, para su cumplimiento. Dios gue. á V. E. muchos años.

"Madrid, veinte y dos de Julio de mil ochocientos dos.

"SOLER,

"*Sor. intendente interino de la Luisiana.*

"Nueva Orleans, diez y seis de Octubre de mil ocho cientos doz.

"Pase el ministerio de real hacienda para su inteligencia, y dirijase copia á esta secretaría.

"MORALES."

Y en virtud de mandato del escmo. sor. Dn. Manuel María de Arrieta, contador mayor decano del real tribunal de cuentas, que despacha interinamente la superintendencia general por hallarse en el campo el escmo. sor. Conde de Villanueva, espido la presente en la Habana, á diez de Abril de mil ochocientos cuarenta y siete.

JOSE DEL ROSO. NATTES.

CONSULATE OF THE UNITED STATES,
Havana, May 12, 1847.

Before me, Robert B. Campbell, consul of the United States of America for the city of Havana, personally appeared Jose del Rosario Nattes, the keeper of the records of the royal hacienda and fomento of the Island of Cuba, who declared the foregoing copies of royal decrees to be correct and true copies of the original decrees of records in the archives of his office.

In testimony whereof I have hereto set my hand and affixed the [SEAL.] seal of my office, at Havana, on the day of the date above written. ROBERT B. CAMPBELL.

Translation.

Don Jose del Rosario Nattes, honorary provincial intendent and general keeper of the archives of the royal treasury and of the council of patronage of this Island of Cuba, by his majesty, &c.

I certify, that among the different deeds and papers which constitute the particular archive of the province of Louisiana, extant in this general one of the royal treasury under my charge, is found a bundle which contains the royal decrees and original orders of his majesty, belonging to the year one thousand eight hundred and two, and among all, the royal order which reads literally as follows:

"By the ministry of State there has been communicated to this, under my charge, the following: Having given account to the King of what the intendent, Don Ramon de Lopez y Angulo, has represented through his ministry in letters numbers one hundred and two and one hundred and three, which your excellency has remitted to me in your official letter of the thirteenth current and (devuelvo) upon the inconveniences of granting lands to citizens of the United States of America, and of confirming the transfer agreed upon between Abraham Morehouse and the Baron de Bastrop, he has been pleased to resolve that in future no grant of land shall be made to citizens of the United States of America; and as to the vices of the transfer agreed upon between the said individuals, let the office of the treasury, having cognisance of the cause, fulfil the duties of his office, under the supposition that his majesty does not confirm such a transfer. Which I communicate to you, by royal order, for its fulfilment. God preserve you many years. Madrid, the twenty-second of July, eighteen hundred and two.

SOLER,
Señor intendent ad interim of Louisiana.

New Orleans, the sixteenth of October, eighteen hundred and two.

Let it pass to the minister's office of the royal treasury for its information, and let a copy be directed to this secretary's office.

MORALES.

And by virtue of the mandate of the most excellent Señor Don Manuel Maria de Arrieta, chief auditor senior of the royal tribunal of

accounts, who discharges ad interim the functions of the superintendency general, on account of the most excellent Señor the Count de Villanueva being in the country. I despatch the present in Havana, the tenth of April, one thousand eight hundred and forty-seven.

JOSE DEL ROSO. NATTES.

Thirty-first: The plaintiffs offered in evidence the return of a commission issued 10th July, 1846, to Arnold Bodin, esq., at Paris, with depositions and documents annexed, viz:

Deposition of Robert Walsh, esq., U. S. consul at Paris.

Deposition or affidavit of the Marquis de Casacalvo, made 10th February, 1818, before Isaac Cox Barnett, U. S. consul at Paris, as to certain facts connected with the Bastrop grant; said affidavit being [a] copy of the original answers [in] the archives of the U. S. consulate at Paris. Opposed by the district attorney as being ex parte, and rejected by the court. The plaintiffs reserving their bill of exceptions.

Thirty-second: And, finally, the plaintiffs offered as evidence the obituary notice of the death of Levin Wailes, from the Vidalia "Intelligencer" of 5th June, 1847.

Died, at the residence of his son, Col. B. L. C. Wailes, at Washington, Mississippi, on the 24th May, 1847, Levin Wales, esq., a native of Prince George county, Maryland, in the eightieth year of his age.

In the spring of 1807 he emigrated to the Mississippi territory. Having been entrusted with the establishment of several important boundary and standard lines of the public lands acquired from different Indian tribes in Georgia, Alabama, Mississippi, and Louisiana, a duty performed with great accuracy and precision, he was, in 1810, appointed by Mr. Madison commissioner for deciding land claims, and register of the land office for the southwestern district of Louisiana.

The fidelity and industry with which, through a period of many years, the responsible and arduous duties of those offices were discharged, secured him the general esteem and respect of the people of the district, and he was subsequently transferred to the office of surveyor general for the district south of Tennessee, to which he was appointed by Mr. Monroe.

Evidences offered by defendants.

And further, on the same day, (7th December, 1847,) the defendants offered in evidence a copy of report of the United States land commissioners of the western district, Orleans territory, dated 16th October, 1812, on the Bastrop grant, to show that it was reported upon.

Land office, western district, Orleans territory.

16th October, 1812.

To the honorable Albert Gallatin, Secretary of the Treasury of the United States:

The undersigned, commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district and territory

aforesaid, have the honor to report the following list of rejected claims, and beg leave to remark, in explanation of the said report, that the respective clauses contemplated by the 8th section of the act of the third March, 1807, will be designated by letters A, B, and C, to wit, to the first class, comprising "claims which, in the opinion of the commissioners ought to be confirmed, in conformity with the provisions of the several acts of Congress for ascertaining and adjusting the titles and claims to lands within the territory of Orleans and Louisiana," the letter A will be affixed. To the second class, comprising "claims which, though not embraced by the provisions of the said acts, ought nevertheless, in the opinion of the commissioners, to be confirmed in conformity with the laws, usages, and customs of the Spanish government," the letter B will be affixed. And to the third class, comprising "claims which neither are embraced by the provisions of the said acts, nor ought in the opinion of the commissioners to be confirmed in conformity with the laws, usages, and customs of the Spanish government," the letter C will be affixed. In the subsequent list of claims, such as have been entered with deputy register will have the (D) placed after the number in the column of Registers, No. —. When that letter is omitted, it is to be understood that the claim was entered with the register at the land office in Opelousas. To the list of claims reported for each county will be subjoined explanatory remarks, with references to the reported numbers, containing the reasons of the commissioners for reporting, and giving a schedule of the title papers that may have been filed in the several claims, and the substance of such oral testimony as may have been taken for or against the claims.

Claims to lands in the county of Concordia.

Rep'd No.	Register's No.	By whom claimed.	Original proprietor or claimant.	Quant'y claim'd	Nature and date of title or claim.	Class.
•	•	•	•	•	•	•
•	•	•	•	•	•	•

Signed in duplicates, one whereof to be transmitted to the commissioner of the general land office in the Treasury Department of the United States, and the other to be deposited in the register's office for this district.

WM. GARRARD,
LEVIN WAILES,
GIDEON FITZ,
Commissioners.

By order of the board, LLOYD POSEY, *Clerk.*

Land office, western district, State of Louisiana.
14th December, 1812.

To the honorable Albert Gallatin, Secretary of the Treasury Department, United States:

The undersigned, commissioners appointed for the purpose of ascertaining the rights of persons to lands within the district aforesaid, have the honor to report, in continuation, the following list of claims to lands within the county of Washitta; classing the same agreeably to the order observed in their report, made on the 16th of October, 1812, of claims in the county of Concordia, to which they beg leave to refer.

Claims to land in the county of Washitta.

Rep'd No.	Register's No.	By whom claimed.	Original proprietor or claimant.	Quant'y claim'd	Nature and date of the title or claim	Class.
•	•	•	•	•	•	•
•	•	•	•	•	•	•
40	1 D	Abraham Morehouse Same.	Baron de Bastrop	773,376 arpents	Sp. grant, 20 June 1797.	C
•	•	•	•	•	•	•
•	•	•	•	•	•	•

No. 40. No original documents of title have been filed in this claim. The certified copies of certain papers entered with the register have been compared with the translation of them in pages 70, 71, and 72, of the appendix to the book entitled "Land Laws," to which the undersigned commissioners beg leave to refer; having discovered no material difference, except in the date of the grant by Baron de Carondelet, which, (according to the copy furnished for the information of the commissioners, should be on the 20 day of June, 1797, and not 20 of June, 1796, as printed in the said book. It will be seen that the documents which appear from page 72 to 74 of the same appendix, relate to this claim; of their authenticity the commissioners can express no opinion, the originals, from which these appear to be translations, not having been filed with the register. Other title papers in this claim have been filed with the register, and laid before the board, which do not appear in the book referred to. They are a certified copy of a plat of survey, with a certificate annexed, bearing date the 14th day of June, 1797, and said to have been signed by Carlos Trudeau, then surveyor general of the province of Louisiana, a copy of which will be found subjoined to this report. A certified copy of a deed of sale from Baron Bastrop to Abraham Morehouse, dated at Washitta, the 25 January, 1804, for two undivided thirds of the twelve leagues square of land conceded to the said Baron by the Spanish government; the consideration for which transfer of title, as expressed in the deed, being three hundred and fifty

thousand dollars, with interest, &c., which the said Morehouse had recovered in suit instituted by him in the court of Danville district, in the State of Kentucky; against the said Bastrop, for his non-performance of a former contract, and some other copies of deeds of conveyance of a previous date, which passed between the said Baron and the claimant, and which were not introduced because of their conveying a title, (for they are conveyances of the whole grant in the year 1799, from the Baron to the claimant, and a recession in the year 1800,) but as proof that the Spanish functionaries, before whom these deeds were passed, respected the title of the Baron, and admitted his right to alienate it.

The claimant in his notice has referred to some other judicial proceedings in relation to the land in question, to wit, that in the year 1801 the Baron de Bastrop executed a mortgage of the grant, before Peter Pedesclaux, then a notary public in the city of New Orleans; that this mortgage was afterwards foreclosed in the governor's court, and also after the change of government, in the supreme court of the territory, that an execution issued, and a part of the land was sold to satisfy the judgment.

These transactions seem to be greatly relied on as evidence, that the title in the Baron was complete, and that the government had no lien on the land; the undersigned commissioners do not attach so much importance to them, imagining that lands held under conditional titles may be mortgaged, as well as fee simple estates, and that in foreclosing a mortgage it is not usual to investigate the title of the mortgagor. The quantity of land which, by the most favorable construction of the title, the claimant might hold under his purchase from the Baron de Bastrop, has been greatly exaggerated; it is stated at 773,376 arpens, which is erroneously computed to be two-thirds of 1,016,064 arpens; it will be readily perceived that 773,376 is two-thirds of 1,160,064, and that the error may have risen from a transposition of figures; but it should also be noticed, that 1,016,064 arpens is more than the area of twelve leagues square, unless 84 arpens be allowed to the league, which is sometimes spoken of, perhaps to avoid the mention of fractions, but seldom if ever employed in land measure; besides, it is known from the certificate of the surveyor general, that in this case the measure of Paris (which gives 2500 toises, equal to 83⅓ arpents to the league) was employed; by this measure twelve leagues square will contain within a very small fraction (less than one thousandth part of an arpent) one million of superficial arpens, equal to about 846,281 American acres, at which, for the sake of round numbers, it may be computed; two-thirds of this quantity, 666,666⅔ arpens is, therefore, the utmost to which this claim can be extended; it appears that the Baron de Bastrop, by his contract with the Spanish government, was held bound to establish five hundred emigrant families within the twelve leagues square of land for which he had petitioned, and that to each of these families four hundred superficial arpens (making altogether two hundred thousand arpens) were to have been appropriated gratis; should the title of the Baron to any part of the said twelve leagues square be re-

cognised as valid, it is believed it could only be for the residue, after deducting these 200,000 arpens, with which it seems to have been intended to entrust him for the benefit of others; whether any families have been established on these 200,000 arpens of land pursuant to the contract of the Baron Bastrop with the Spanish government, anterior to the cession of Louisiana to the United States, the undersigned commissioners have had no proof nor information, except what is contained in the grant of the Baron de Carondelet, of the 20th June, 1797, in which it is declared "that Baron Bastrop had commenced the establishment of Washitta;" and the assertions of the present claimant, Abraham Morehouse, in the written notice of his claim, "that the settlement was going forward with great alacrity, and a number of families introduced agreeably to the terms of the contract, when the letter of office of the governor issued suspending the settlement;" should the title of said Abraham Morehouse be adjudged valid to the two thirds of twelve leagues square under the transfer of Baron de Bastrop, it will necessarily follow that the 200,000 must be taken from the claim to the remaining third part.

Without having been furnished with any of the original documents of title, and with no other evidence of the occupancy of the land or performance of conditions on which the completion of the title of Baron Bastrop was made to depend, than that above recited, the undersigned commissioners are constrained to class this among the claims which, in their opinion, ought not to be confirmed.

* * * * * * *

* * * * * * *

WM. GARRARD,
LEVIN WAILES,
GIDEON FITZ,
Commissioners.

Signed in duplicates, by order of the board.

L. POSEY, *Clerk.*

[For plat, see original.]

(*Translation.*)

I, Don Carlos Trudeau, surveyor royal and particular of the province of Louisiana, &c., do certify, that the present draft contains one hundred and forty-four superficial leagues, each league forming a square, the sides of which are in length two thousand and five hundred toises, (a toise is 6 French feet long,) measure of the city of Paris, according to the custom and practice of this colony; the said land being situated in the post of Ouachita, about 80 leagues above the mouth of that river falling into Red river, adjoining on the part of the S. W., to the eastern shore of the river and bayous Ouachita, Barthelemi, and Siard, conformable to the red line which borders the said river and bayous; bounded on the south part by a line drawn from the S. 75 degrees east, about three leagues and one mile long, beginning from the shore C of the bayou

Siard, and continuing as far as the height of the junction A of the said bayou Siard with the bayou Barthelemi; the said point A being as a basis on the line of measurement AB of 12 leagues in length, parallel with the plane of bayou Barthelemi from the point A to the end of the said 12 leagues, which terminate at point B, where is the mouth of the rivulet named bayou Termino; the lines DE and FG are parallel lines, directed north 52 degrees east, without minding the variation of the compass, which varies 8 degrees to the northeast.

In testimony I deliver the present certificate, with the draft hereto affixed, for the use of the Baron de Bastrop, on the 14th day of June, 1797. I, the surveyor, having signed the same, and recorded in the book A, No. 1, fo. 38, drft. No. 922 of the surveys. I do certify the present copies to be conformable to the originals which are lodged in the office under my care, to which I refer; and, at the request of a party, I deliver the present, same date as above.

(Signed) CARLOS TRUDEAU, *Surveyor.*

I certify the above to be a true and faithful translation of the original certificate of survey written in the Spanish language, and to which is prefixed the plot of the land therein mentioned. New Orleans, 17th April, 1804.

(Signed) L. DERBIGNY,
Interpreter of the Government.

(Copied, J. C. M.)

RECEIVER'S OFFICE AT OUACHITA,
31*st October*, 1829.

SIR: I have the honor to enclose with the present my monthly return of receipt given in the month of October, and a duplicate of my return to the Secretary of the Treasury for the same time.

Your esteemed favor of 2d instant reached my hand on the 29th, and am satisfied to see that I had acted correctly in refusing the entry of any preference right on lands situated in Maison Rouge's grant, *most* against the wishes of the claimants. It will be in my power to comply with your wish as to marking on the maps the portion therein contained making part of that grant, as I have in my possession a copy of the field notes of Maison Rouge's survey, made by John Dinsmore 9 or 10 years ago for the present owners of that claim; should I have sufficient leisure I shall try to send you a copy on a smaller scale of the limits of that grant, as they will be marked on the township maps; believing that it may be agreeable to you to see what has been done in this land office, and compare it with the plats in your office.

I remain, with great respect, sir, your ob't serv't,

H. BRY, *Receiver.*

OUACHITA, *7th September*, 1829.

SIR: Please to consider this as a supplement to my last of 29th August, which contained some remarks on the lands to be offered for sale here on 3d Monday of November next.

Township No. 18, R. No. 4 E, contains a small part of Bastrop grant, to wit, sections No. 1, 2, and part of sections No. 3, 4, 11, and 12; this escaped my observation when I addressed you last. It stands in the same way as that part of the lands to be sold, which is the best portion of Maison Rouge's grant, as stated before.

I have a particular reason to mention the case of Bastrop's grant, although I have no interest whatever in it, except as agent of almost all the owners of that grant to the amount of about 700,000 acres. I think it my duty to the proprietors to file a protest with the register in their name. I certainly can do it in my private capacity; while I shall as receiver implicitly follow the tenor of the President's proclamation and the instructions which may be received at this land office from the head of the department. The owners of Maison Rouge's grant are but two, to wit, Daniel W. Coxe, esq., of Philadelphia, and the heirs of H. Turner, of the State of Mississippi. I am informed that their agents will be here at the sale with an intention to forbid it.

The register, however, will agree with me in the opinion that it is our duty to go on with it, unless otherwise instructed by the competent authorities.

I remain, with the greatest regard, sir, your obedient servant,

H. BRY, *Rec'r.*

Honorable G. GRAHAM, *Commissioner of the General Land Office, Washington city.*

RECEIVER'S OFFICE AT OUACHITA,
8th November, 1829.

SIR: Agreeably to my promise, as expressed in my last letter of the 31st October, I have succeeded in marking, as accurately as the means in my power could allow, the parts of the townships to be offered for sale which were included in Bastrop's and Maison Rouge's grants, and which will not be offered for sale. As to Bastrop's, the quantity being but small, and easily ascertained, (bayou de Siard being the boundaries of that grant on that the S. W. most side,) it will be sufficient for a perfect understanding to have a statement of the sections and part of sections therein contained, without going to the trouble of making a map. They are as follows, to wit:

In township No. 18, range 4 east, what follows is within Bastrop's grant:

Sections No. 1, 2, and 12, containing, acres - -	1,834 65
Fractional quarters and ½ q'rs, No. 1, 2, 3, and 6, of sect. 11 - - - - - - -	397 69
Fractional quarter No. 1 of sect. 10 - - -	10 60
Fractional quarter and half qr. No. 1, 2, 3, 4, 5, and 7, of sect. 3 - - - - - -	465 04
Fractional qr. and half qr No. 1, 2, and 7, of sect. 4 -	234 84
Total amount of lands of Bastrop grant in said township - - } Acres -	2,942 82

There is none in any other of the townships to be offered for sale belonging to that grant. As to Maison Rouge's the case is different; the quantity of land belonging to that grant and included in the President's proclamation is great, and my mode of marking its limits on the township maps (simply with a pencil) could not well be understood without a plat of that grant, wherein the connection with the townships are designated. The land there is also more valuable, and would obtain a ready sale did it belong to the United States. From the plat here enclosed, which has required several days of close application, you will observe that the following tracts are excluded from sale, to wit:

	Acres.	Hundredths.
Township No. 16, R. 3 east, the whole - -	20,044	90
Township No. 15, R. 3 east, the whole - -	21,023	89
In township No. 17, R. 4 E., what follows:		
Sections No. 17, 18, 19, 20, 24, 25, 29, 30, 31, 32, containing - - - -	6,156	90
In township No. 17, R. 3 East.		
Fractional sections No. of part 13, 24, 25, 35, 36, containing - - - - -	1,393	83
In township No. 16, range 4 east.		
Sections No. 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, 33, containing -	10,659	59
In township No. 15, range 4 east.		
Sections No. 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 29, 30, 31, 32, containing	11,969	98
Total of M. Rouge's grant in the township aforesaid } Acres -	71,249	09

In township No. 17, R. 3, you will perceive that I have laid down a tract of 338 acres omitted by the surveyor, although I handed myself to the deputy surveyor the certificate of the Cr. at Opelousas. It covers part of the pretended survey of one league square, No. 54; which survey you will perceive has been laid by the same person nearly one half on the Maison Rouge's grant. It cannot stand as it is. Please to observe that when the lines of the grant cut a section, I have marked the whole of that section as being excluded from the sale; for, not being provided with suitable instruments, I could not pretend to absolute accuracy; but I believe that plat is sufficiently correct to answer your wishes; and if it is such as to facilitate your understanding of the whole, it is all I can expect. You will soon discover that, without my being able to draw it, I could not have marked the lines of the grant on the maps with any thing like correctness.

In observing the township maps with close attention, as I was obliged to do, I see that I made myself a mistake in my application for the reference right I entered in my own name as receipt of Poisso; having given sufficient evidence to the register, I applied for fractional ¼ S. No. 2 & 3 of sec. No. 13, township 17, R. 3 E., containing 149

56; my receipt No. 128, dated 29th October, 1829, expresses the same; it ought to have been fractional ¼ No. 2 of sec. 13, and fractional ¼ No. 3 of sect. 14, containing 149 $\frac{44}{100}$. The error is only in one of the fractional ¼, being in sect. 14; it was caused by the section line being very short between the two, and pale; the line dividing sec. 14 in two, being marked much deeper, contrary to the common mode; as you have the map of that township, you will see at once that I could not apply for fractional ¼ No. 3 in sec. 13th, because it on the other side of the river, and inclosed in Maison Rouge's grant, and contains but 51 $\frac{76}{100}$ acres.

I shall, however, wait for your instructions as to the propriety of correcting the error here, and sending to you another receipt expressing the tract intended to be applied for. I probably would not have discovered the error had I not been obliged to apply the divider and protractor to every part of that township's map.

I remain, very respectfully, sir,

Your obedient servant,

H. BRY, *Rec'r.*

Hon. G. Graham, *Com'r of the Gen'l Land office, Washington City.*

General Land office, *January 26th*, 1846.

Sir: Your letter of the 26th ult'o to the President has been referred to this office.

You represent that certain gentlemen in the vicinity of Henton's grove, Green county, Alabama, "propose removing with" you "to Morehouse parish, Louisiana;" but learning that it is claimed by a gentleman named Mr. Pichers, "you are unwilling to remove and to settle on the land until" you "ascertain something definite concerning his claim," that you are informed he "offers to give a bond for title to any persons who may choose to settle upon said land at $1.25 per acre, payable whenever the pending suit shall be decided in his favor, otherwise to be void," &c.

I am unadvised as to the nature of Mr. Pelcher's claim. It is believed, however, that the land to which you refer is that embraced in the limits of what is generally known as the Bastrop claim, a large portion of which, it appears, is situated in Morehouse parish.

For information in regard to that claim I refer you to the following report, dated Dec. 14, 1812, of the commissioners for the western district of Louisiana, in this case, and their unfavorable opinion on it. Claim C, No. 40, 2d vol. American State Papers, public lands, printed by D. Green, page 637, (in connexion with report of 16th Oct., 1812, as to classification of claims, page 617,) also pages 640, 641. See also vol. 3, same State papers, page 532.

Also, report on the claim to H. Reps., Jan. 11th, 1825, vol. 4, p. 9.

Do. " " Decr. 20th, 1825, vol. 4, p. 308.

Do. " " April 6th, 1830, Rep. No. 347.

Congressional papers, H. Reps., 1 sess., 21st Congress, bound vol. 3, 1829, 1830, reports of committees 1st sess., 21st Congress.

You then make the following inquiry:

"Now, in the event of said land being decided in favor of our government, will the settler under Petcher's title possess the right to hold the same land under government; and will said land be appraised at the present price of the government land, or will it be sold at public auction to the highest bidder?"

In answer, I have to state, that if the land should be finally adjudged a part of the public domain of the United States, any claim to it derived from a private individual will necessarily fall to the ground, and the land will be subject to disposal as other public lands under the enactments of Congress that may be in operation at the time of such final adjudication; and should the existing pre-emption law be then in force, it would not embrace settlements made on said lands during the time of its reservation.

Under present legislation, all public lands to which a pre-emption is not established according to law, are required to be first offered at public sale to the highest bidder, and the lands not disposed of at such public sale are afterwards liable to private entry at $1 25 per acre.

Very respectfully, your obedient servant,

JAS. SHIELDS, *Commissioner*.

S. MADISON BARTLETT, esq.,
Hinton's Grove, Green co., Alabama.

GENERAL LAND OFFICE.

I, James H. Piper, acting commissioner of the General Land office, do hereby certify, that the foregoing extracts, on pages 1 to 4 inclusive, are true extracts from the reports in this office; that the copy on pages 5 and 6, is a true transcript of the document, &c., connected with the report dated Dec. 14, 1812, of the commissioners relative to the Bastrop claim; and that the copies, on pages 7 to 14 inclusive, are true copies of the original in this office; and that the copy, in pages 15, 16, and 17, is a true copy from the record in this office.

In testimony whereof I have hereunto subscribed my name, and caused the seal of the said office to be affixed at the city of Washington, this 19th day of June, 1846.

[SEAL.]

JAMES H. PIPER, *Acting Commissioner*.

And afterwards, to wit, on the 8th of December, 1847, the following entry was made of record:

MAYOR and Aldermen of Philadelphia and New Orleans vs. THE UNITED STATES. } 21.

The trial of this cause was to-day resumed. The argument for the plaintiffs was opened by H. Strawbridge, esq., and closed by P. Soulé, esq., for the defendants, by Thomas J. Durant, U. States district attorney. The argument being closed, the court charged the jury; Sylvain Peyroux being appointed foreman, they retired to consider of their verdict.

After consultation, they returned into court with a verdict in the words and figures following, to wit:

From and according to the evidence adduced in this case, we, the jury, find the following verdict:

1. That, in the year 1796 and 1797, a grant of twelve leagues square of land, on the waters of the bayou Liard or Siar and its vicinity, has been made by the Baron de Carondelet, as governor general of Louisiana, in favor of the Baron de Bastrop, (according to the copies and plans thereof produced by the plaintiffs in evidence.)

2. That the location of said grant was in pursuance of the orders of said governor, designated by Don Juan Filhiol, commandant of Ouachita, or by Don Carlos Laveau Trudeau, surveyor general of the province of Louisiana; and that said Baron de Bastrop did, with the consent and approbation of the grantors, take possession of the land so granted, and proceed in carrying out the objects of said grant.

3. That the conditions annexed to said grant, particularly that of introducing a given number of families and settling them on said grant, was fulfilled as far as the government could allow the said Bastrop, and that if said conditions were not fulfilled in whole, the non-fulfilment thereof was owing to the act and order of the grantors.

4. That a plan of survey of said grant was made by Carlos Laveau Trudeau, surveyor general of the province of Louisiana, and was confirmed in the year 1797 by the Baron de Carondelet, governor general of said province.

SILV. PEYROUX,
Foreman of the jury.

New Orleans, 8th Decr., 1847.

And afterwards, to wit, on the 21st day of March, 1848, the following entry was made of record:

MAYOR, Aldermen, et als., of Philadelphia and N. Orleans
vs.
THE UNITED STATES. } 21.

This cause set for trial this day was called. H. Stawbridge, for the plaintiffs, appearing, and the district attorney for the defendants. By consent of counsel, the trial of the cause is continued until Thursday morning next, the 23d March, at 10 o'clock, A. M.

And afterwards, to wit, on the 22d of March, 1848, the following amended answer was filed in the clerk's office:

THE CITIES of New Orleans and Philadelphia
vs.
THE UNITED STATES.

To the honorable Theodore H. McCaleb, judge of the district court of the United States, for the district of Louisiana.

The supplemental answer of Thomas J. Durant, attorney of the United States for the district of Louisiana, and of the defendants, to the

bill of complaint and petition of the Cities of New Orleans and Philadelphia, complainants and petitioners.

The attorney of the United States aforesaid, and the defendants, now and at all times hereafter, reserving to themselves all and all manner of benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties, and other imperfections in the said complainants' bill of complaint and petition contained, for supplemental answer thereto, or to so much thereof, and to such parts thereof, as the attorney aforesaid and these defendants are advised is or are material or necessary for them to make any answer unto:

This defendant, the attorney of the United States aforesaid, answering, saith, that he is a stranger to the several matters and things in the said complainants' said bill of complaint and petition contained; and this defendant further saith, that he claims such rights and interest under the treaties and statutes and laws pertinent to this matter, for and on behalf of the United States, as this honorable court shall be of opinion that the United States are justly entitled to.

And this defendant denies all and all manner of unlawful combination and confederacy wherewith he is by the said bill and petition charged; without this, that there is any other matters, cause, or thing, in the said complainant's said bill of complaint and petition contained, material or necessary for this defendant to make answer unto, and not herein and hereby well and sufficiently answered, confessed, traversed, and avoided or denied, is true to the knowledge or belief of this defendant; all which matters and things this defendant is ready and willing to aver, maintain, and prove, as this honorable court shall direct; and humbly prays to be hence dismissed with his reasonable costs and charges in this behalf most wrongfully sustained.

THOMAS J. DURANT,
Attorney of the United States for the district of Louisiana.

Endorsed: 22d March, 1848. Service accepted.
P. SOULE,
For city of N. Orleans.
H. H. STRAWBRIDGE,
For city of Phila.

And further, on the same day, the following replication of the complainants was filed in the clerk's office, to wit:

MAYOR, ALDERMEN, &c., of Philadelphia and New Orleans,
vs.
THE UNITED STATES.
} No. 21.

The replication of the complainants, the Mayors, Aldermen, and Inhabitants of the cities of New Orleans and Philadelphia, to the answers of the United States of America, defendant.

The repliants, saving and reserving unto themselves all manner of advantage of exception to the manifold insufficiencies of the said answers,

for replication thereunto do say, that they will aver and prove their said bill to be true, certain, and sufficient in the laws to be answered unto, and that the said answers of the said defendant are uncertain, untrue, and insufficient to be replied unto by these repliants; without this, that any other matter or thing whatsoever in the said answers contained material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things these repliants are and will be ready to aver and prove as this honorable court shall direct, and humbly prays as *is* and by his said bill he hath already prayed.

H. H. STRAWBRIDGE,
Solicitor for the city of Phila.
P. SOULE,
Solicitor for the city of N. Orleans.

And afterwards, to wit, on the 23d of March, 1848, the following entry was made of record:

THE MAYOR, ALDERMEN, et als., of Philadelphia & New Orleans, vs. THE UNITED STATES. } 21.

The trial of this cause was to-day commenced; Soulé & Strawbridge, esqrs., for the plaintiffs, and the district attorney, for the defendants, being present, the testimony was submitted to the court, [and] the argument of counsel on the part of the plaintiffs and defendant was concluded.

The court took the cause under consideration.

And further, on same day, the following documents were offered in evidence by the plaintiffs:

1. The plaintiffs offered the evidence and documents introduced on the trial before the jury, (which evidence and documents are already copied from page 240 to page 431 of this transcript.

2. The plaintiffs offered the plan of No. 4 of the Maison Rouge grant, and the evidence annexed to it, taken under commission in the case of Heirs of Turner vs. the U. States, No. 32 of this court, to prove that the northern line of said grant is in part the southern line of the Bastrop grant clear of prairie Chatelleran. Rejected.

3. The plaintiffs offered their mesne conveyances from A to OO inclusive as referred to in their petition; (which documents have already been copied from page 8 to page 194 of this transcript.)

4. And the plaintiffs offered, in connexion with document W, (already copied on page 101 of this transcript,) the two colored plans of partition between Girard, Lyle, and Griffith, hereinafter following.

[For maps see original.]

And afterwards, to wit, on the 31st of May, 1848, the following judgment was rendered and entered of record:

U. S. district court for Louisiana, May term, 1848.

MAYOR, Aldermen, & Inhabitants of Philadelphia and New Orleans,
vs.
THE UNITED STATES.

This cause came on to be heard at the December term of the court, and was argued by counsel; and thereupon, upon an attentive consideration of the law and evidence, and the court being satisfied that the concession of twelve leagues square of land, situated on the waters of the river Ouachita and the bayous Bartholomew and Siard, in the province of Louisiana, made in the years 1796 and 1797, by the Baron de Carondelet, then governor general of said province, to the Baron de Bastrop, and commonly known as the "Bastrop grant," was a good, valid, and lawful grant to the said Baron de Bastrop, by a legal title in form, made by the Spanish authorities, and was protected and secured to him as his private property by the treaty between the United States and the French Republic of the 30th of April, 1803.

That the Mayor, Aldermen, and Inhabitants of the cities of Philadelphia and New Orleans have proved a good title in themselves to those portions of said "Bastrop grant" claimed in their petition, derived by various mesne conveyances from the original grantee and owner, the Baron de Bastrop.

It is ordered, adjudged, and decreed, that the Mayor, Aldermen, and Inhabitants of the cities of Philadelphia and New Orleans, in their several corporate capacities as cities, be declared the true and lawful owners of, and entitled to recover from the United States, the following described tracts of land situated within the limits of the said grant, and be forever quieted and confirmed as against the United States in the ownership and possession of the same, to wit:

Thirty-two thousand (32,000) arpents of land acquired by Stephen Girard from Charles F. Morehouse, Ann M. Morehouse, Lucretia C. Morehouse, Eliza C. Sterling, and the heirs of Sophia L. Morehouse, by act of 13th of January, 1824, before Oliver J. Morgan, parish judge and ex officio notary public for the parish of Ouachita.

Two thousand (2,000) arpents of land, more or less, acquired by Stephen Girard from Thomas Lovell, by act of 9th of March, 1825, acknowledged before C. Pollock, notary public in and for the city of New Orleans, and ratified by said Lovell by act of the 3rd of October, 1826, before Samuel G. Raymond, notary public in and for the State of New York.

Eight thousand (8,000) arpents of land acquired by Stephen Girard from George Y. Morehouse and Martha, his wife, by act of 28th of April, 1825, before Thomas Adams, notary public in and for the State of New Jersey, at Burlington, in said State.

Seventy-four thousand one hundred and sixty-seven (74,167) arpents of land, more or less, acquired by the said Stephen Girard by a decree of partition between said Girard, James Lyle, and Robert E. Griffith, rendered in the year 1827 at the October term of the seventh judicial district court for the parish of Ouachita, by the honorable J. H. Overton, judge, in the suit entitled Stephen Girard vs. Robert E. Griffith and the representatives of James Lyle. The whole, according to the judgment and figurative plans of partition, filed in the aforesaid suit.

All the share of Stephen Girard (ten twenty-one parts) in that part of four hundred and twenty-six thousand (426,000) arpents of land, more or less, which has not been comprised in the aforesaid decree of partition, rendered in October, 1827, and which was acquired by Stephen Girard, James Lyle, and Robert E. Griffith, as tenants in common from George Y. Morehouse and Abigail Morehouse, and their trustee William Griffith, by conveyance of the 29th of January, 1822, acknowledged on the same day before Thomas Adams, notary public in and for the State of New Jersey, at Burlington, in said State.

Twelve thousand five hundred (12,500) arpents of land acquired by Stephen Girard from John Carriere and Mary, his wife, by act of 6th November, 1819, before John Gill, notary public at Baltimore, in the State of Maryland.

Four thousand three hundred (4,300) arpents of land acquired by Stephen Girard by virtue of an act made before Oliver J. Morgan, parish judge and ex officio notary public for the parish of Ouachita, on the 22d of November, 1824.

Twenty-three thousand nine hundred and sixty-four (23,964) arpents of land acquired by Stephen Girard from George Hamilton by virtue of a judicial sale thereof made by Jonathan Morgan, sheriff of the parish of Ouachita, on the 9th day of February, 1825, by virtue of a writ of execution issued at the suit of the syndics of Edward Brooks.

Four thousand (4,000) arpents of land acquired by Stephen Girard from Cæsar McLauchlin by act of 11th of February, 1825, before Oliver J. Morgan, parish judge and ex officio notary public for the parish of Ouachita.

Two thousand three hundred and forty (2,340) arpents of land acquired by Stephen Girard from Thomas B. Franklin by private act of the 11th of February, 1828, recognised on or about the 14th of March, 1828, before Oliver J. Morgan, parish judge and ex officio notary public for the parish of Ouachita.

Thirty-six thousand five hundred and forty-nine (36,549) arpents of land, more or less, acquired by Stephen Girard from John Adair, by act of the 10th of July, 1827, before Oliver J. Morgan, parish judge and ex officio notary public for the parish of Ouachita.

Ten thousand (10,000) acres of land acquired by Stephen Girard from John Casey by act of 9th of March, 1829, before Oliver J. Morgan, parish judge and ex officio notary public for the parish of Ouachita. Judgment signed June 12th, 1848.

THEO. H. McCALEB, [SEAL.]
U. S. judge.

And afterwards, to wit, on the 22d of June, 1848, the following order of appeal was made of record:

THE CITIES OF NEW ORLEANS AND PHILADELPHIA vs. THE UNITED STATES. } 21. Same May term, 1846.

On motion of Thomas J. Durant, attorney of the United States for the district of Louisiana, it is ordered by the court, that an appeal be allowed in this case to the Supreme Court of the United States at Washington, returnable to the next succeeding term thereof.

Office of the clerk of the United States district court for the district of Louisiana.

I, Needler R. Jennings, clerk of the above entitled court, do hereby certify, that the foregoing four hundred and sixty-three pages, together with the three plats of survey—one inserted between pages 13 and 14, and the two others between pages 457 and 458—form a true, faithful, and correct transcript of all the proceedings, process, pleadings, documents, and other matters, on file and of record in a certain case in chancery, wherein the Mayor, Aldermen, and Inhabitants of the cities of Philadelphia and New Orleans, respectively, are plaintiffs, and the United States of America are defendants, No. 21, of the docket of land causes of the said court.

In testimony whereof I have hereunto set my hand and caused to be affixed the seal of the said court, at the city of New Orleans, [SEAL.] this fifteenth day of November, A. D. 1848, and of the independence of the United States of America the seventy-third year.

N. R. JENNINGS, *Clerk.*

I, Theodore H. McCaleb, judge of the United States district court, for the district of Louisiana, do hereby certify, that Needler R. Jennings, who subscribed the above certificate, is the clerk of the said court, and that full faith and credit are due and ought to be given to his attestations as such, and that the above is in due form of law.

Given under my hand and seal, this 15th day of November, A. D. 1848.

THEO. H. McCALEB, [SEAL.]
U. S. judge.

Citation of appeal.

The United States of America, to the Mayor, Aldermen, and Inhabitants of the cities of Philadelphia and New Orleans, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington on the first Monday of December next, pursuant to an order of appeal filed in the clerk's office of the district court of the United States for the dis-

trict of Louisiana, wherein the United States of America are appellants, and you are appellees, to show cause, if any there be, why the judgment rendered against the said appellants should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, at New Orleans, this ninth day of September, in the year of our Lord one thousand eight hundred and forty-eight.

THEO. H. McCALEB, *U. S. Judge.*

This citation returned September 12th, 1848, into the U. S. district court.

ROBERT M. LUSHER,
Deputy clerk of said court.

Marshal's return.

Received 9th September, 1848, and on the 12th instant I served a copy of the within citation of appeal on the Mayor, Aldermen, and Inhabitants of New Orleans by handing the same to the honorable A. D. Crossman, mayor thereof, in the city of New Orleans, and on the Mayor, Aldermen, and Inhabitants of Philadelphia by handing the same to P. Soulé, esq., their attorney, in the city of New Orleans, who accepted service of said citation.

Returned, New Orleans, September 12th, 1848.

JOS. PRADOS, Jr.,
Dep. U. S. marshal.

Filed 4 December, 1848.